LEGISLATIVE RESEARCH COMMISSION

MIGRANT WORKERS

REPORT TO THE 1983 GENERAL ASSEMBLY OF NORTH CAROLINA

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STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

January 12, 1983

TO THE MEMBERS OF THE 1983 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1983 General Assembly on the matter of the needs of Migrant Workers in North Carolina. The report is made pursuant to Resolution 61 of the 1981 General Assembly.

This report was prepared by the Legislative Research Commission's Committee on Migrant Workers and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,

Liston B. Ramsey

W. Craig Lawing

Cochairmen

Legislative Research Commission

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INTRODUCTION

The Legislative Research Commission, created by Article 6B of General Statutes Chapter 120, is authorized pursuant to the direction of the General Assembly "to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" and "to report to the General Assembly the results of the studies made," which reports "may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations." G.S. 120-30.17. The Commission is chaired by the Speaker of the House and the President Pro Tempore of the Senate, and consists of five Representatives and five Senators, who are appointed respectively by the Cochairmen. G.S. 120-30.10(a). (See Appendix A for a list of the Commission members.)

Pursuant to G.S. 120-30.10(b) and (c), the Commission Cochairmen appointed study committees consisting of legislators and public members to conduct the studies. Each member of the Legislative Research Commission was delegated the responsibility of overseeing one group of studies and causing the findings and recommendations of the various committees to be reported to the Commission. In addition, one Senator and one Representative from each study committee were designated Cochairmen.

By House Joint Resolution 1292 (1981 Session Laws, Resolution 61), the Legislative Research Commission was authorized to study the role of the state with respect to migrant farmworkers. In order to accomplish these tasks, Senator Russell G. Walker, as a member of the Legislative Research Commission was appointed to coordinate and oversee the Study on Migrant Workers. Senator R. C. Soles, Jr. and Representative G. Malcolm Fulcher,

Jr. were appointed to Cochair the Committee. The other members appointed were Senators Joe B. Raynor, Vernon E. White and Rachel G. Gray; Representatives C. Melvin Creecy, Vernon G. James, Edith L. Lutz, Henry M. Tyson; and public members John B. Fleming, Thomas Myers and Robert Vaughan. The Legislative Services Officer provided staff assistance to the Committee for this study.

The minutes of the Committee meetings reflect the statements and discussions of each meeting. All of this information is included in the Committee files.

BACKGROUND

If one rides through rural North Carolina, one sees the great variety of its crops and one realizes the vast abundance of food and fiber that this state produces. One also sees the large numbers of persons preparing these crops for the market-place.

Farm laborers are critical -- preparing, harvesting, and readying for distribution the bounteous collection of crops that feeds the richest country in the world. Their work forms a symbiosis with nature, the earth and the elements -- not in the phony romantic sense of happy laborers romping in the sun. The crops are varied and seasonal; therefore, so is the work. Like the season, the work is rhythmical and sure, but it is subject to the cruel vicissitudes of weather and pests. Some of the work is skilled, some is not; in every respect, it is gruelingly hard. The workday is long -- when work is available -- from sunup till past sunset and with little rest. Whole families pitch in. Crops cannot wait when they are ready.

Who are these persons who provide the labor to produce our crops. The term "farmworker" applies both to migrants, who follow the harvest from state to state, and to seasonal laborers, who work the fields close to home. Within this general framework, however, various government and private agencies define "farmworkers" in different ways. The U.S. Department of Labor considers anyone who works at least 25 days per year or earns at least $400 in a year (provided 50 per cent of total earnings comes from farmwork) from farm labor to be a seasonal farmworker.

Migrant labor is an increasingly large component of the agricultural economy in North Carolina. A major portion of the farm products grown in this State are harvested by migrant workers. Without migrant farmworkers

our crops would rot in the field, and our agricultural economy would be in a shambles. While estimates of the extent of migrant labor in North Carolina vary, most parties would agree that we have had at least thirty-five thousand (35,000) migrant laborers entering North Carolina each of the past few years to pick crops. Together with the more than one hundred thousand (100,000) North Carolinians who work in the fields during the growing season, migrant and seasonal farmworkers harvest nearly one billion dollars' worth of agricultural crops each year.

It is important to gain some knowledge of the migrant himself -- his characteristics and his background, and of the circumstances under which he works and lives before one can begin to discuss what his needs are and how they can best be met.

During the first half of the twentieth century, three discernible streams of migrant farm workers evolved: an East Coast stream, a mid-continental stream, and a West Coast stream. These three human streams are based upon similar phenomena of labor and economics, although their ethnic and sociological makeups are different.

Originally, the East Coast stream was composed of Irish, Italian, and Scandinavian laborers who lived along the mid-Atlantic coast. More recently, the East Coast stream has become populated by native blacks, along with imported Puerto Ricans and West Indians from what has been called "a new migrant stream, this one airborne." Native workers live inland in Florida (Belle Glade is their winter capital) during the winter months; but they travel, often with their families, up the East Coast in spring and summer to pick the local crops as they are ready. They travel along as "freewheelers" and in groups known as "crews"; they migrate in

broken-down cars filled with people of all ages and their earthly possessions or in crews in old buses and trucks run by crew bosses. They travel through the Carolinas and Virginias, to New York and New Jersey, all the way to Maine. With the onset of winter they return home to Florida to work there at odd jobs or to rest and wait for the seasonal stream to begin again.

Most of the migrants in North Carolina follow the East Coast stream. They generally begin their migration northward from Florida where they usually are recruited as early as April and some remain in North Carolina as late as November. The peak employment period in North Carolina for migrant labor is the month of July.

In a very real sense, migrants form a "subculture" in this nation. Their life is transitory. They spend each year in several states and in the process manage usually to lose the advantages of a permanent residence in any one of them. Most migrants do not vote. They are citizens of the United States and yet they have little or no voice in our governmental process. They rarely receive local unemployment assistance and other welfare benefits available to low income groups.

Because migrants are housed in places that are located so far off the "beaten paths", they live a very isolated existence. They hardly see the towns whose nearby fields they harvest. Telephones are not customary and mail is rare indeed.

Furthermore, they are viewed and treated as "outsiders" by many local residents.

There are two approaches to seeking agricultural employment in North Carolina. Crew leaders can obtain work orders or contracts through the services of the Rural Manpower Division, which is a unit of the North Carolina Employment Security Commission. This agency is responsible for

assisting growers who need laborers to harvest their crops and for aiding agricultural workers in securing employment. Thus, Rural Manpower representatives serve as liaisons between farmers and crew leaders. They issue work orders to crew leaders early in the year informing them of the wages being paid, period of employment, location and type of housing available, and number of workers needed. Records are kept as to the number, location, period of employment, and type of work being done by crews which have gone through the Rural Manpower Division to secure work contracts with farmers in the state.

However, some crews enter the state and look for employment "on their own". These groups of migrants are called "freewheelers". They contract for work directly with the farmers. Because these workers do not go through the Rural Manpower Division to obtain agricultural work, information as to whom they are working for, where they are located, and how long they will remain in the state is unknown.

There are several factors which determine the income of a migrant during a season. The migrant is at the mercy of the weather. If it rains, the migrant won't be able to work in the fields. If it is dry, the crop may be ruined and there will be nothing to pick. This summer has not been a good season for migrants working in North Carolina because of the bad weather conditions. Some weeks a migrant may only work two days and there may be other times when his labor is needed seven days a week. Thus, migrants have little job security. The amount of the pay check a migrant receives each week also depends on his crew leader. Unfortunately, there are a number of crew leaders who take advantage of their workers by either not paying them their earnings or else by charging

them "outrageous" prices for food and other items sold by the crew leader on the camp grounds. The crew leader then deducts these outrageous prices from their weekly earnings. Migrants usually do not have any means of transportation which would enable them to buy these items at their normal cost. Thus, crew leaders make a tremendous profit from these sales.

In addition to the migratory characteristics of migrants, there are other characteristics which affects the way one approaches their problems. Some that should be considered are:

-- Farmworkers are poor;

-- The "average" farmworker is less than 25 years of age and has a sixth grade education;

-- The average annual income of a farmworker is less than $4,000.

Furthermore, under a "crewleader" system, a farmworker often takes home less than $25 a week after the crewleader takes money "off the top" of his wages and makes deductions for food and housing;

-- Studies have ranked farm work as the third most dangerous occupation in the United States.

-- According to a government study, farmworkers have the poorest physical and mental health of any group in the United States. Their average life expectancy is 49 years, compared to a national average of 72 years.

-- Most farmworkers are members of a minority group subject to discrimination because of race, national origin, or other background characteristics.

-- Many farmworkers do not speak or read the English language.

-- Farmworkers are heavily dependent on the growers, crew leaders, government officials, and others who form the class of potential

defendants in farmworker cases. Thus they are more vulnerable than most persons to out-of-court retaliation for seeking legal advice or filing lawsuits.

-- The past experiences with the police, the law, and the courts often have been unfavorable, making farmworkers anxious to avoid courts and lawyers.

-- There usually is a wide disparity between the poverty and powerlessness of farmworkers and the wealth and power of potential defendants and consequently a wide disparity in their ability to use the procedures of the adversary system effectively.

The working conditions of migrant and seasonal farmworkers are governed by a complex overlay of laws, including federal laws, state laws, and local ordinances. Agencies at all three levels have some responsibilities for regulating the working conditions of farmworkers or providing services to farmworkers, but there is no one agency with primary or coordinating responsibility.

At the federal level, there are two major laws affecting the working conditions of farmworkers. First, there is the Fair Labor Standards Act which provides for minimum wages and overtime compensation for farmworkers who work on large farms. For migrants to be covered by the Fair Labor Standards Act they must work for an employer who uses at least five hundred (500) man days of farm labor, excluding his immediate family members, in any one quarter of the preceding year. Thus, a farmer who has one full-time employee during the growing season and who uses seasonal labor forty (40) hours per week for a six-week period, would have to

employ fifteen (15) farmworkers before they are covered by the Fair Labor Standards Act. An exception to this rule is that any migrant who is transported across state lines to perform farm work is covered by the federal Fair Labor Standards Act and must be paid the federal minimum wage. Less than fifty (50) per cent of farmworkers in our State are covered by the federal minimum wage.

The second major federal law that applies to migrant workers is the Farm Labor Contractor Registration Act (FLCRA). FLCRA requires any crew leader who recruits people to work in the fields and transports them more than twenty-five miles to the place of work, must be registered with the United States Secretary of Labor. In order to be registered, a crew leader must show proof of his insurance for whatever vehicles are to be used to transport migrants and must guarantee that those migrants whom he employs will be paid the federal minimum wage and will be housed in housing that meets OSHA minimum standards. FLCRA and the Fair Labor Standards Act are administered by the United States Department of Labor, Wage and Hour Division, which has seventeen (17) offices and field stations in North Carolina.

A third law that was recently invoked in the indictment and conviction of migrant crew leaders for involuntary servitude is the Civil Rights Act of 1864, which makes it a crime to hold people in involuntary servitude. The Civil Rights Act is enforced by the Civil Rights Division of the U.S. Department of Justice, and the attorneys who prosecuted the recent cases were from Washington, D. C.

At the state level we have three primary agencies that regulate agricultural working conditions in some way. First, there is the Rural

Manpower Service of the Employment Security Commission. The Rural Manpower Service has the task of matching farmworkers with the demand for farm work. They recruit migrant crews for growers and they assist people desiring farm work in locating employment. In recruiting out of state to match labor supply with demand, the Rural Manpower Service is required to work only with registered crew leaders, and they must ascertain that the housing being provided to migrant crews meets OSHA minimum standards. It has been estimated that perhaps twenty-five (25) per cent of all interstate migrants who come through North Carolina are placed by the Rural Manpower Service.

The other two state agencies which regulate migrant working conditions are local public health departments and the OSHA Division of our state Department of Labor. By state public health law, migrant camps must meet certain state standards, including quality of drinking water, efficiency of waste disposal, and certain space and building specifications. Under the state and federal OSHA laws, no aspects of agricultural working conditions are exempt from the law. However, a policy decision has been made nationally not to apply to farm work the OSHA standards covering general industry.

The only OSHA standards which are applied to agriculture are a standard on roll-over protective structures for tractors, a standard on the handling of anhydrous ammonia, and a standard governing minimum housing conditions in migrant camps. The provisions of the OSHA standard on migrant housing are more elaborate and more specific than are the state laws which local sanitarians enforce.

Two of the basic protections which are afforded to workers in the rest

of the economy in North Carolina are not provided to agricultural workers by state law. Agricultural workers are exempt from the protections afforded under the workers' compensation system, and they are exempted from coverage under the state Wage and Hour Act. Many of the most vocal advocates of improved working conditions for farmworkers, while pointing out the physical abuses that many farmworkers endure, decry this lack of legal protection for farmworkers. And, OSHA minimum standards on working conditions are generally limited to the camp housing and do not apply in the field where migrants work.

In addition to these governmental agencies, non-profit agencies provide assistance to the migrant population as well. Farmworkers Legal Services, Inc., has been providing legal services for migrants. The Migrant and Seasonal Farmworkers Association provides employment and training services to migrants and their families, as well as tries to assist with recreational and other family needs. The North Carolina Council of Churches has a migrant advocate who assists with charity drives for migrants, as well as promotes the education of the general population concerning the plight of migrants.

COMMITTEE PROCEEDINGS

To execute the charge of Resolution 61 of the 1981 Session of the North Carolina General Assembly, the Legislative Research Commission's Committee on Migrant Workers held nine meetings: February 26, 1982, March 18, 1982, March 19, 1982, April 4, 1982, September 8, 1982, October 27, 1982, November 8, 1982, December 7, 1982 and January 4, 1983.

The problems of farmworkers are not new and public attention has been directed to their conditions in North Carolina numerous times in the past. Therefore, at the initial meeting, the Committee reviewed numerous documents that had already analyzed the migrant situation in North Carolina. Those include:

1. Reichert Report.
2. Report on Migrant Workers - Johnston and Sampson Counties prepared by Senator Edward Renfrow.
3. 1975 Report of the Committee to Revise the Laws Pertaining to Migrants.
4. Serving Migrant Families prepared by State Advisory Committees on Services to Migrants.
5. North Carolina State and Federal Laws Affecting Migrant and Seasonal Farm Workers prepared by the North Carolina Agricultural Extension Service.
6. Report to Representative G. Malcolm Fulcher, Jr. on the Role of North Carolina with Respect to Migrant Farmworkers - 1981 preapred by David Johnson Ph.D.

From all of this information, it became evident that a vast amount of work had already been done to define the problems that migrants face in this State. These materials are on file with the Committee.

The Committee also at the first meeting received testimony from those

State agencies directly affecting migrants in this State. The Committee heard from -

1. Mr. Robert Youngblood, Director of the Migrant Education Program, Department of Public Instruction.
2. Mr. John Brooks, Commissioner of Labor.
3. Dr. Sarah Morrow, Secretary of the Department of Human Resources.
4. Mr. Heman Clark, Secretary of the Department of Crime Control and Public Safety.
5. Mr. David McLeod, Department of Agriculture.

From this information, the Committee became aware of those agencies which serve farmworkers in North Carolina. In a concise listing they include:

A. Federal agencies
   1. U. S. Department of Agriculture - Farmers Home Administration (provides loans for constructing housing)
   2. U. S. Department of Labor - Wage and Hour Division. (enforces the Farm Labor Contractor Registration Act and the Fair Labor Standards Act)

B. State agencies reporting to the Governor
   1. Department of Human Resources.
      a. Division of Mental Health
      b. Division of Social Services
      c. Division of Vocational Rehabilitation
      d. Migrant Health Program
      e. Sanitation Branch
   2. Department of Commerce - Employment Security Commission
   3. Department of Administration - Human Relations Council

4. Department of Natural Resources and Community Development

a. Division of Employment and Training

b. State Economic Opportunity Office

C. State agencies independent of the Governor

1. Department of Labor - Occupational Safety and Health Division.

2. Department of Public Instruction - Migrant Education Section

3. Board of Community Colleges

4. University of North Carolina - NCSU - Agricultural Extension Service

5. Department of Agriculture - Food Distribution Division

With all of these agencies involved, there are chances of duplication of services. Most of our programs treat only the symptoms of farmworkers' problems.

The Committee wished to determine what the appropriate governmental response should be to the set of problems confronting these people. What should government be doing, if anything, that it is not now doing? To determine the answers to these questions, the Committee entered into the next phase of its investigation which included hearing from farmers, migrants, and advocates for migrants from various programs.

Public hearings were held on March 18 and 19, 1982 to hear from migrants and their representatives. Since few migrants had yet arrived in North Carolina, the Committee heard from representatives of migrants who gave the Committee a picture of the migrants' life in North Carolina. Some of the problems brought to the Committee's attention included:

-- bad housing

-- poor or nonexistent sanitation

-- alcoholism

-- poor medical help

-- bad working conditions

-- alcohol and drug abuse

-- crew leader violence

-- poor wages

Some of the solutions offered included:

-- enforcement of A.B.C. laws

-- law requiring toilets, soap and water in the fields

-- worker's compensation

-- minimum wage

-- criminal reporting by local law enforcement agencies

-- increased housing inspections

On April 22, 1982, the Committee heard from a contingent of peach and apple growers from the western part of the State. Their testimony suggested that the situation for the migrants harvesting these crops is somewhat improved from other parts of the State. This may be caused by the higher level of skill necessary to harvest these crops. Many of the migrants work for the same farmer year after year. There does not seem to be the dependence on labor contractors with the farmer contracting and paying the laborers directly.

To see for itself what some of the migrants living and working conditions were, the Committee convened on September 8, 1982 in Clinton, North Carolina at the Sampson County office complex. The Committee visited a number of migrant labor camps and talked with some of the

farmworkers, farm owners, and crew leaders. The evening session was devoted to taking testimony concerning migrant workers conditions. Many of the speakers were migrants. This public hearing and site visit left the most vivid impression on the Committee members.

It is difficult to write about migrant housing without seeming to be melodramatic. One can approach the subject with the most modest expectations and be unprepared for the realities. Much of the housing that was viewed was dilapidated, unsanitary and grim. It was noted that four governmental agencies have some inspection responsibility for migrant housing.

In the evening, the Committee heard from the migrants themselves. Many of these persons did not speak English and their testimony was translated for the Committee. The Committee heard many tales of various kinds of exploitation.

For instance, a young man from Philadelphia spoke to the Commttee. Because of the recession, he was out of work. He was picked up in front of the employment office and offered a job in North Carolina earning $35 a day. When he reached this State, the reality was different. He was issued a dirty mattress, sheets and a blanket for which he had to pay rent. He was then charged $40 for his food. Although he wanted to return home, he could never make enough to buy a bus ticket. The Committee was so impressed with his plight that a hat was passed and enough money was raised so that he could return to Philadelphia.

One migrant testified to the Committee that his boss ordered him and three others to lift a tractor and place it on a truck. He was hurt and later his family was asked to move from the housing because he could no

longer function on the job.

One of the migrants who helped the crew boss with the bookkeeping also testified before the Committee. She told of two sets of books being kept, one for U. S. Labor Wage and Hour and one which was used to pay the workers. (Later her employer found out that she had testified before the Committee; she was fired and her family was forced to move.)

Much about violence was related to the Committee. A Haitian migrant related to the Committee that his crew boss, after consuming large amounts of alcohol, came into the quarters where he and his pregnant wife resided and fired numbers of shots. No one was hit but after the shooting subsided, the crew leader knocked the pregnant woman down and kicked her. The crew leader was subsequently indicted for assault, the jury found him guilty but the court did not enter a judgment, i.e. prayer for judgment continued.

The testimony from the September 8, 1982 meeting, gives an indication of many of the problems facing migrants in North Carolina. For this reason the entire transcript is included as Appendix B .

From this site visit and from the testimony of witnesses, the Committee had reason to believe that many of the laws on the statute books relating to migrants are being violated. Those violations included:

1. large numbers of beer cans on the premises of one camp which indicated the violation of A.B.C. laws.
2. the illegal collection and use of food stamps
3. wage and hour violations

These findings were reported to the appropriate agencies and these agencies were asked to make a response to the Committee.

The final meetings of the Committee were devoted to discussions of the problems related to migrants and possible solutions.

FINDINGS

Pursuant to the direction of House Joint Resolution 1292 (1981 Session Laws, Resolution 61) the Legislative Research Commission's Committee on Migrant Workers, after having reviewed the information, makes the following findings as listed below:

FINDING 1. THE NUMBER OF MIGRANTS HAS INCREASED DRAMATICALLY IN RECENT YEARS AND THE TREND IS EXPECTED TO CONTINUE. North Carolina is now the third largest employer of farm labor in the country behind Texas and Florida. It is approximately eleventh in the number of migrant farm labor it employs. In 1975, it was estimated that there were 10,000 migrant laborers in the State. In 1980, it was estimated that there were 28,000 migrant laborers, and in 1981, there were approximately 35,000. It has been projected that there will be an 80 per cent growth in demand for food crops in the State by 2000. Most of the growth will be in vegetable production. This growth may increase the need for farmworkers in the State, although it is not known how much mechanization may affect the demand for farm labor.

All of this is to say that by all projections the problems associated with migrant labor will not decrease. North Carolina must recognize that this situation will not disappear. Therefore, the State must begin to propose some solutions not only for humanitarian reasons but also from an economic point of view.

FINDING 2. THE MIGRANT LIFESTYLE POSES SPECIAL PROBLEMS THAT DIFFER FROM THE GENERAL POPULATION. Migrant life encourages large families because of the economic advantages of child labor. Alcohol consumption may be greater because workers are frequently exploited. Alcohol use often results in fights, accidents, and injuries, and in the area of children, the major problem is that of day care services to migrant

children. Day care services are severely lacking apparently nationwide, and that is no consolation of course to people involved in serving migrants in this state.

Migrant parents have to work. They have no choice other than leaving their small children unattended, or poorly attended by their brothers and sisters who are also children and most often under 12 years of age. Day care centers in the county are usually in towns and cities far away from where the migrants live, and therefore are not always accessible to migrant children.

The East Coast Migrant Head Start Program provides financial support for migrant children enrolled in regular day care centers in many states. There are 8 centers in 6 counties in North Carolina participating in this program.

A new problem has developed with the addition of Haitians to the migrant stream. Haitian migrants constitute a language problem at medical facilities as most speak only creole. Interpreters are needed to bridge the language gap.

Transporting migrants to medical facilities is often a major problem in rural areas where migrants live and work. The average migrant does not own a car and crewleaders often fail to take this responsibility.

FINDING 3. THERE IS NO CONSISTANT APPROACH ON THE PART OF OUR STATE TOWARD MIGRANT FARMWORKERS. Various state offices have responded to the needs of farmworkers in different ways but no comprehensive approach to improving migrant conditions has been formulated. No agency has the authority to examine migrant and seasonal farmworker problems from a broad perspective. A set of strong national priorities would help. But in lieu

of that, a consistant approach on the part of our State can at least be the beginning of a humane approach to the migrants who come through our State.

FINDING 4. FARMERS WHO USE MIGRANT WORKERS ARE SUBJECTED TO NUMEROUS OVERLAPPING INSPECTIONS BY STATE AND FEDERAL AGENCIES. Migrant labor camps are inspected by four different agencies: The Occupational Safety and Health Act Division of the North Carolina Department of Labor, the Rural Manpower Service of the North Carolina Employment Security Commission, and the Division of Health Services of the North Carolina Department of Human Resources, as well as the Wage and Hour Division of the U.S. Department of Labor. Health Services use a sanitation code on which to base their inspections while the other two State agencies use the guidelines established by the Occupational Safety and Health Act. The U.S. Wage and Hour Division monitors compliance with the Fair Labor Standards Act and the Wage and Hour Law. In addition, the Wage and Hour Division of the North Carolina Department of Labor investigates complaints of nonpayment of wages. The Health Service and the Rural Manpower Service perform pre-occupancy inspections, while the NC OSHA Division performs occupancy inspections.

Not all camps are inspected because not all fall under guidelines that would indicate inspection is appropriate. For example, a camp must have a certain number of workers in it before it is considered a camp. Also some 60 per cent of migrant laborers work for free-wheelers who do not operate under a work clearance order issued by the Rural Manpower Service. The Rural Manpower Service inspects camps as part of the process for issuing clearance orders. If no clearance order is requested, no

inspection is made. So, some camps are overly inspected and others are under inspected.

FINDING 5. THERE ARE A NUMBER OF LAWS WHICH BY THEIR PROVISIONS EXEMPT MIGRANT FARMWORKERS FROM RIGHTS GUARANTEED TO MOST OTHER WORKERS.

-- The Federal Wage and Hour Act says that farmworkers should receive the federal minimum wage. Payment of the minimum wage is avoided by paying farmworkers at a piece rate that is less than what would be necessary to work out to the federal minimum wage per hour. Such underpayment is disguised on wage records by recording as the number of hours worked, the number arrived at by dividing daily earnings by the minimum wage. So, a person could work 12 hours, but be recorded as having worked only 7.

-- There are reports by farmworker advocacy groups and ministers who serve migrants that alcohol and drugs are sold in labor camps in violation of the law.

-- Federal law requires that farmworkers agree in writing to deductions that are to be made from their pay and that farm labor contractors give each laborer a detailed written list of each and every deduction each time wages are to be paid. Reports of spot checks made by volunteer groups, farmworker advocates, and religious ministers who serve migrants suggest that it is unusual for workers to receive written lists of deductions.

-- By State law farmworkers are exempted from the requirement for coverage under worker's compensation.

-- By State law most farmworkers are exempted from the requirement for coverage under unemployment insurance. Coverage is dependent

upon farm wages paid during a calendar quarter and the number of days worked in farm employment.

-- Farmworkers are excluded from most provisions of child labor laws. The legal working age for migrants is 10 years of age.

-- There are reports from advocacy groups that social service agencies sometimes delay processing of farmworker applications for food stamps, medicaid, and other social welfare benefits until the worker is done with work in the vicinity and is ready to move on.

FINDING 6. THERE IS A NEED TO DEVELOP THE STATE'S ROLE IN SERVING MIGRANT NEEDS IN THE AREAS OF HEALTH, HOUSING AND RELATED SERVICES IN ACCORDANCE WITH THE STATE'S OBLIGATION TO SERVE ALL PERSONS EQUALLY.

-- Farm labor contractors need not be licensed as contractors before they create or operate a crew even though most other contractors in the State are required to obtain a license and to be able to demonstrate their competence in the area for which they are contractors.

-- Only about 40 per cent of work crews originating out of State and negligible numbers of in State farm crews are required to obtain a work clearance order before obtaining employment in the State. The Wagner-Peyser Act, which requires the issuing of clearance orders to farm work crews before they can obtain employment, is, therefore, applied unequally.

-- The State appropriates funds for in-patient care of migrant laborers. In recent years, this money has been expended before the end of the harvest season. People who harvest apples in late autumn may, therefore, not have the same health protection as those who harvest other crops during

the summer, before funds are expended.

-- Insufficient health care for migrants appears to be leading to the spread of diseases such as tuberculosis and measles into the communities where the migrants settle temporarily while they are harvesting a crop.

-- No single agency has responsibility for administering regulations related to farm labor. In fact, fourteen agencies of State government and two agencies of the federal government have duties that in some way affect farm labor. Some of these agencies have partially overlapping responsibilities.

FINDING 7. THERE IS A MUCH HIGHER DEGREE OF VIOLENCE SUFFERED BY MIGRANT LABORERS THAN IS GENERALLY IN THE REST OF SOCIETY. That farmworkers encounter violence is hardly doubted by the service agencies who work with them on a daily basis. Abrasions, bruises, and worse can be only poorly concealed by their bearers. Whether the violence comes from the crewleaders who manage the workers as opposed to other sources, however, and whether such violence serves a formal and condoned function in the agricultural economy are issues capable of much less obvious proof. It is contended by many who serve migrants that violence plays an inherent and deliberate role -- that of coercing workers into working and living conditions that are hard to imagine. In some instances, there seems to be an accepting indifference of the local law enforcement agencies.

This problem is exacerbated by alcohol abuse. It is estimated that the correlation between alcohol abuse and violence is high in the general population and extremely high among the migrant segment of the population. Such abuse of alcohol occurs in migrant camp areas both as a result of

active encouragement by crew supervisors and because few recreational alternatives exist for migrants and their families.

RECOMMENDATIONS

RECOMMENDATION 1. THE GENERAL ASSEMBLY SHOULD STRENGTHEN THE LAWS GOVERNING HOUSING AND SANITATION FOR MIGRANT FARMWORKERS BY REVISING ARTICLE 13A, CHAPTER 130 OF THE GENERAL STATUTES. (See Appendix C)

The responsibility for enforcement of the Act regulating the sanitation of agricultural labor camps housing ten or more workers (Article 13A, Chapter 130 of the General Statutes of North Carolina) rests with the Sanitation Branch, Sanitary Engineering Section. Sanitarians in the local health departments, as Deputy Agents of the Department of Human Resources, Division of Health Services, make inspections and work with the growers and crew leaders. District Sanitarians assist the local sanitarians and provide technical advice in carrying out the provisions of this Act. The responsibility for providing a camp that meets the sanitary standards set forth in the Act is placed on the grower. The responsibility for maintaining these standards rests on the crew leader.

The general areas of sanitation covered by this Act are cleanliness of camp area, water supply, sewage and bathing facilities, shelter, lighting, food facilities, and garbage disposal.

The current Act allows only for the inspection of camps that house ten or more migrants. Therefore, the majority of camps are never inspected by the local sanitarians. Because of this and other inadequacies, the Committee believes that the Statutes governing migrant housing should be extensively revised.

The Division of Health Services is in the process of recodifying all of the health statutes. Included in this rewrite is an extensive revision of migrant housing. The Committee supports this revision and believes the

passage of this revision would do much in helping to provide adequate housing for migrants.

RECOMMENDATION 2. THE INSPECTION OF MIGRANT LABOR CAMPS SHOULD BE COORDINATED UNDER ONE STATE AGENCY AND THAT AGENCY SHOULD BE THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF HEALTH SERVICES. THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF HEALTH SERVICES, SHOULD BEGIN AN IMMEDIATE EFFORT TO NEGOTIATE WITH THE AGENCIES INVOLVED TO START THIS COORDINATION.

The Committee recognizes that migrant housing in North Carolina is subject to inspection by four different governmental agencies:

1. The North Carolina Department of Human Resources - Division of Health Services
2. The North Carolina Employment Security Commission - Rural Manpower Section
3. The North Carolina Department of Labor - Occupational Safety and Health Administration
4. The United States Department of Labor - Wage and Hour Division

The Committee submits the following reasons for our support of the DHR/DHS as the provider of housing inspections for migrant/agricultural labor housing:

1. The DHR/DHS program would be effected by local health department sanitarians. These staffs already enter the migrant labor housing camps to complete water, sewage and sanitation checks and to issue permits. The additional training necessary for their staff to learn the OSHA regulations would be minimal compared to the intensive training needed to train ESC/RMS and DOL/WH staff to take and test water samples and conduct other required investigations. There would also be a saving of tax monies in that the local sanitarians are located in the area and

most Rural Manpower Representatives, OSHA and WH staff have to expend travel and time costs to reach an area of migrant labor housing.

2. The local health department sanitarians are familiar with the local migrant housing sites.

3. The provision of one migrant housing inspection unit with strong consistent enforcement procedures would provide a better means of litigation when that was necessary to ensure compliance. Growers and crew leaders could no longer plead that governmental agencies are "harrassing" them by double and triple inspections (using a myriad of regulations), all of which are "different."

A multitude of different individuals and organizations will benefit from the proposed program. First and rightfully so, the migrants will be the prime benefactors. Migrants who come to North Carolina to work should find housing that is sanitary and safe for human habitation. If the program is implemented, the farmers will find that for the first time in many years they will deal with one single agency with one single set of standards applicable to migrant housing. State and local agencies will escape from the bureaucratic confusion which has existed for the last 4-5 years. Efforts can once again be directed to providing assistance in keeping with established laws and standards rather than devoting so much time to attempting coordination and cooperation. Local governments will benefit since state appropriations will be provided to support the implementation of this program rather than the necessity for the additional expenditure of local funds.

RECOMMENDATION 3. THE NORTH CAROLINA GENERAL ASSEMBLY SHOULD PASS AN ADDITIONAL APPROPRIATION OF $427,896.00 FOR FISCAL YEAR 1983-84 TO PROVIDE ADEQUATE FUNDING TO INSURE A STRONG CONSISTENT LEVEL OF INSPECTION FOR THE REVISED STATUTES GOVERNING THE INSPECTION OF MIGRANT HOUSING. (See Appendix D)

Under the present migrant housing inspection program conducted by the Division of Health Services and local sanitarians, 275 migrant camps are inspected. If the revision is passed as proposed in RECOMMENDATION 1, this number would increase to 3750 inspections. It will be necessary for state funds to be provided to local health departments for this expansion proposal to become a reality.

RECOMMENDATION 4. THE NORTH CAROLINA GENERAL ASSEMBLY SHOULD PASS LEGISLATION THAT WOULD STATUTORILY PROHIBIT SLAVERY, WITH PENALTIES PROVIDED. (See Appendix E)

The North Carolina Constitution, Article I, Section 17, prohibits slavery but there are no statutory penalties provided. The Committee believes that additional statutory language would probably be a deterrent to incidents of slavery, servitude and peonage. If incidents were reported, enforcement of a state law should be easier and less time consuming than to rely on federal law.

RECOMMENDATION 5. THE NORTH CAROLINA GENERAL ASSEMBLY SHOULD REQUIRE LIABILITY INSURANCE COVERAGE FOR ACCIDENTS INVOLVING FARMWORKERS. (See Appendix F)

Farmworkers in North Carolina are currently exempted from the Workman's Compensation Act of North Carolina. The chemicals and equipment now in use in agriculture can be every bit as hazardous as the chemicals

and equipment in use in industrial employment. Most farmworkers are citizens of North Carolina no less than our industrial workers.

The Committee believes that to bring farmworkers under worker's compensation would, at this time, be too costly and would require too much paperwork for small farmers. But it does believe that some protection should be provided to our farmworkers. It suggests that any employer of farm labor, who during any calendar quarter in a current calendar year or the preceding calendar year and paid wages of $20,000 or more for farm labor or on each of some 20 days during the current or preceding calendar year who employed at least ten individuals, should obtain a policy of liability insurance.

RECOMMENDATION 6. THE NORTH CAROLINA GENERAL ASSEMBLY SHOULD PASS A RESOLUTION ADDRESSED TO THE CONGRESS OF THE UNITED STATES RESPECTFULLY REQUESTING THAT THEY STUDY THE PROBLEMS OF MIGRANTS.

Although many problems affecting migrants can be addressed on a local or state level, many more concerns of migrants must be challenged and solved on a national basis. This is particularly true concerning health and education matters. Medicaid benefits are often denied because of the transitory nature of their lives. The Committee believes that Congress must soon address this responsibility.

RECOMMENDATION 7. THE GENERAL ASSEMBLY SHOULD INITIATE BY LEGISLATION A NORTH CAROLINA FARMWORKER COMMISSION TO CONSIDER OVERALL PROBLEMS AND ISSUES OF MIGRANT WORKERS. (See Appendix G)

The Committee believes it would be helpful to appoint a Committee that would meet regularly to deal with the many factors that affect migrant and seasonal farmworkers. This Committee should include

representatives from state agencies who provide services to migrants, and others who have an interest in and responsibility to migrants and seasonal farmworkers. The Commission should be administratively located in the Department of Administration.

One of the first items that the Commission should consider is whether there is a need for North Carolina to have legislation that would register farm labor contractors. The Committee believes that much of the abuse of migrants in the current system is because of abuses by some crew bosses.

The primary purpose of this law would be to establish a method to keep "track" of migrant labor crews who enter this state to do work. At the present time, crew leaders are required to register with the federal government and must meet certain criteria before they are issued a license to work as farm labor contractors. However, there is not a state law which requires crew leaders to obtain licenses authorizing them to work in North Carolina.

The Committee on Migrant Workers has done much work on this issue. Other states that have such a state registration have been contacted. The Committee believes that such legislation would not fully correct the problems of migrants and enforcement of such a law would be difficult. There are "pros" and "cons" on each side of the issue. The Committee did not have time to resolve these issues to its satisfaction so that legislation could be recommended.

Also the Committee believes that the Commission should consider the question of contracts between the crew leader and worker and between the crew leader and the farmer. It seems to the Committee that many of the abuses in the system could be corrected through written contractual

agreement between the parties rather than verbal promises. An example of this is the question of damages to labor camps. The Committee believes that there ought to be a contractual obligation on the part of the worker or crew leader to reimburse the owner for any damages.

APPENDICES

APPENDIX A

STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

1981-1983

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

House Speaker Liston B. Ramsey	Senate President Pro Tempore
Cochairman	W. Craig Lawing, Cochairman
Representative Chris S. Barker, Jr.	Senator Henson P. Barnes
Representative John T. Church	Senator Carolyn Mathis
Representative Gordon H. Greenwood	Senator William D. Mills
Representative John J. Hunt	Senator Russell Walker
Representative Lura S. Tally	Senator Robert W. Wynne

LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON MIGRANT WORKERS

Present:
Rep. Malcolm Fulcher
Rep. Vernon James
Rep. Edith Lutz
Rep. Henry Tyson
Mr. John Fleming
Mr. Tom Myers

Absent:
Sen. R. C. Soles
Sen. Joe Raynor
Rep. Melvin Creecy
Mr. Robert Vaughan

Participants:

Mr. Buster Precythe - Employment Security Commission - Mt. Olive Office
Mr. Neil Boisen - Haitian Interpreter - Episcopal Church
Mr. Kenneth Jones - Sanitarian - Sampson County Health Department
Mr. Chip Hughes - Farmworkers Legal Services
Mr. Hugh Honrine - Farmer
Ms. Juliana M. DeWolf - Farmworkers Legal Services
Ms. Ersulin LeClair - Farmworker
Ms. Sandra Martinez-Ruiz - Farmworker
Mr. Johnny Paulis - Creole Interpreter/Farmworker
Mr. Anthony Grant - Farmworker
Mr. Pierre Prospery - Farmworker
Mr. Jim Wells - Employment Security Commission

Buster Precythe: There is not one percent money available to growers that need it. I mean, it is, ...to the...who can get one percent money. We asked one grower that put in for a loan, it cleared in Washington, and they finally turned him down because he wouldn't hook onto the sewer in Clinton. The problem is that it is eight miles from Clinton to where he was going to build the migrant camp. One day Senator Morgan and a Senator from Utah were in Raleigh on ... rural housing. I took up a petition. In one day I had 87 ... in Sampson County that said they would build labor camps if they should get one percent money...government....$25 million available for migrant labor.....it is impossible to get. They cannot get the money....farmers are getting it outside the city limits. I think it is time that the Federal Government make the money available or simply say they don't have money available. If you are saying that they have got to build within the city limits, we are never going to get no migrant camps built. Possibly if we would spend a tenth of the money building labor camps that we have taking surveys saying we need labor camps we would already have labor camps everywhere. There is a need for labor camps and one percent money is the answer to building migrant labor camps. And if they would make this $25 million available, you can rest assured there would be 50 to 100 labor camps built in North Carolina within the next year. There are many growers have been turned down. I mean, I know of 20 or 25 that have been turned down. I have had calls from Georgia, South Carolina, people wanting to know about one percent to build camps all over the country. If they don't want the grower to build the camps, make the one percent money available to the migrant and let him build his own house. If we want migrant labors camps, one percent is the answer without all of these restrictions on it.

Mr. Fleming: Weren't you involved in trying to work with a group of growers to build some one percent housing? Can you give us an idea of what experience you went through in trying to and failing to get that money?

Mr. Precythe: One was, like this man who was turned down because he wouldn't hook onto the city sewer in Clinton and it is eight miles he would have to run a sewer line. Another grower that told me he was... if money was available; that he would be the first to be notified, and with that $25 million that they said they had he still hasn't been notified. Another thing, is like if a farmer wants to build a labor camp,...just the piece of land that it is on...Now they expect the farmer to put up his own farm to get a one percent loan...if the one percent loan is available, he has to be turned down by every other lending association there is before he qualifies. So it is almost impossible for him to get a one percent loan.

Rep. Tyson: Could I ask you a question? How many labor camps have been built, if any...?

Mr. Precythe: There have been five built in this area, and I think there has been two built out of this area....

Rep. James: With one percent money? And I believe you said out of 87?

Mr. Precythe: 87 growers I had time to have sign. I really didn't have time to work on it.

Rep. James: There would probably be 100 you would think?

Mr. Precythe: Oh, there is no question in my mind if the government would make available....a hundred migrant labor camps in North Carolina next year even though we had a bad year this year.

....

Mr. Fleming: Buster, when you are talking about one percent money, are you talking about Farmers Home Administration...?

Mr. Precythe: I am talking about Farmers Home Administration money. They have been saying for fifteen year, I have been fighting this thing for fifteen years, that there was money available to build labor camps on one percent money and they have not yet come out and...

Neil Boisen: ...we are not saying the growers are not using it because they don't want it...we are saying the growers are not using it because they can't get it. That is why the growers are not using it...

Kenneth Jones: I work with the Sampson County Health Department and I inspect agriculture labor camps and have been for eleven years...also a life-long resident of Sampson County...We have got four camps in Sampson County built with one percent money. The camps will hold 36 to 38 people each and I think the contract price was around $60,000 each. Each one of those camps has individual water and sewage. We designed a city-type system for each one of those camps. So far, we did a pretty good job....and they do have an adequate water supply... My concern is the same as Buster's. I have 50 growers who will build camps if they can get the one percent money. We do not have city water and sewer available to these camps...

Rep. Tyson: I would like to ask the gentleman for clarification on the one percent money now, what has been the attitude of the FHA, the farmer or the grower who had to pay 17 or 18 percent to get money, that one percent never was available to him. Now, are they going to say if you can't get one percent money that this money is available? Do they interpret it that way or do they interpret it that if you can get money at any cost then you are not eligible?

Mr. Precythe: That is the way I interpret it. It is not available and they keep saying it is available...you can't get it.

Rep. Tyson: It is a misleading statement then that one percent money is available.

Mr. Precythe: Oh, yes sir, I could put it in a much better word than that, but I won't.

Rep. Fulcher: Is there anything else you folks want to bring to our attention while we are here? Yes sir,

...

Mr. Jones: About the number of inspectors that inspect labor camps. At this present time there are four outfits that I know of; the Health Department, the North Carolina Department of Labor,..has a contract from OSHA, U.S. Wage and Hour and Employment Security. All four of themnave got rules and regulations that sometimes coincide and sometimes don't. It creates problems and you can imagine if you are a grower and you get told four different times about one situation it makes it

tough on the people inspecting; it also makes it tough on the grower.. and the labor. I think the Legislature needs to address this fact and it needs to be put into one agency to inspect the sanitation of labor camps. Appropriate funding is going to have to be...to do it... Our Health Department law general statutes was written back in 1961. It lags behind OSHA. One good example...OSHA says you have got to have 50 sq. ft. per person living space for bedrooms, for dormitories. The old State Board of Health General Statutes says you have got to have 20 sq. ft....so if we go out and approve a camp that say has got 200 sq. ft. of living space in it..according to our general statute, ten people can live in there...However, the OSHA inspector..can come in and cite him with a violation and he is standing there with a permit in his hand issued by an authorized agent of the Division of Health Services. So, it doesn't make too much horse sense to me...but still I think this is something that needs to be addressed, something we have talked about for years. With appropriate funding I don't see why the local Health Department can't do it...it is going to cost somebody some money, but it is going to be cheaper in the long run to do away with this duplication.

Rep. Fulcher: Are you with the local Health Department?

Mr. Jones: I am Kenneth Jones. Sanitary Supervisor in the Sampson County Health Department. And, when we go out, we tell the growers the OSHA regulation. We inspect it...got $50 per inspection from OSHA... for us doing their inspection for them.....we had to go to a training session to be certified to do it...that is the toughest one and the one that is going to cost you fines...

Rep. Fulcher: How many departments right now? You said there were four different agencies. Are they all Federal, or all State? Are they mixed?

Mr. Jones: ...North Carolina Department of Labor...OSHA inspections... from the Federal Government. It is subsidized by the Federal Government, however, it is....the OSHA inspector. U.S. Wage and Hour inspects and Employment Security inspects.

...

Mr. Jones: See, we inspected for OSHA...use an OSHA check sheet for it. They did a ...what I am saying is couldn't the law be made similar to where one agency could be certified. Do you see what I am saying?

...

Reconvene: Evening Session 7:00 pm

Rep. Fulcher: This is a public hearing and anyone who would like to be heard may do so...We want you to tell us whatever is on your mind; if you are growers or migrants or whoever you are...We are going to circulate a list if you want to speak with us...As we are doing that quietly, we can get underway.

Mr. Young: Who wants to speak first? Somebody has got to be first...

Martin Boone: I am Martin Boone, and I have already testified before this committee. I work with migrant farm workers.

Rep. Fulcher: ...Is there anything you would like to add?

Mr. Boone: No

...

Hugh Honrine: ...I am a grower and I have got a camp and I have just got a few odds and ends that I could say that might shed some light...

...

Mr. Honrine: What you are talking about is the complaint about getting migrant housing...is that right?

Rep. Fulcher: It is part of it.

Mr. Honrine: Well, the problem I had in getting mine, now I have got one.

Rep. Fulcher: One what?

Mr. Honrine: Migrant house.

Rep. Fulcher: You have one house? Is that a one percent loan?

Mr. Honrine: Yes, it will hold 36 people. The problem I had with mine was a lot of red tape...to see if I was qualified and could get it; FHA didn't have no plans for my house so I drew my own plans and sent them to Raleigh...but, anyhow, they...

Rep. James: Who did?

Mr. Honrine: I do not directly know but it was through FHA...and when

it come back they said we had to get an architect to draw up a set of plans so that could be one problem there, the cost of the architect, about $2,400 or $2,500.....

Rep. James: Did they turn your plans down because you didn't have an architect? But you subsequently did get the money?

Mr. Honrine: Yes. We took the plans I had, gave them to an architect, he drew them up, got them back.....

.....

Mr. Honrine: ...There is one more thing that ought to be brought to light and that is the attitude of FHA about this one percent money on that you go in and you ask these people if there is any money available. I was under the good fortune to have Mr. Bill Henderson on mine when I got...and he was quite concerned about it and he really helped me, but there are many more of them that would really use the...down on it, like there just ain't no more one percent money for housing. We hope that the Federal Government has got...they acted like it was their money.

Rep. James: ...What did it cost, the architect, to draw up the plans? How much did that add to the cost of your...

Mr. Honrine: I think it was probably $2,400.

Rep. James: But you drew the plans?

Mr. Honrine: I drew the plans and gave them to the architect. He just drew them and put his name on them....In other words, touched it up.

Rep. Fulcher: How long did it take you from the time you submitted your original application until you got approval of the money?

Mr. Honrine: I think we worked on it about 4 months...

Rep. Fulcher: What kind of facilities do you have?

Mr. Honrine: Cinder block.

Rep. James: What was the cost per square foot?

Mr. Honrine: ...It was roughly $60,000 something to build.

....

Rep. James: How many units do you...

Mr. Honrine: Between 36 and....yes, I think there's eight wings there.

Rep. Tyson: I was going to ask...on the structure any different or any more expensive than the local construction in the area?

Mr. Honrine: It was to some extent. You take for instance, requiring a furnace to be put in. I really don't see where for your qualifications is to really put a furnace in at a greater cost. I do see where you could probably go in where heat could plug into the walls if they needed it. But to really put a furnace all the way in a migrant camp and to....is just an expense that I just don't see what would really hurt...because the majority of them are only here until October.

Rep. James: What do you grow?

Mr. Honrine: I mostly grow cucumbers.

Rep. James: And what is your growing season? When do you begin and...

Mr. Honrine: Well, usually I begin at the last of May and run through the last or the middle of July. Right now the camp is occupied by a crew leader that has got the camp leased and he's going to be digging potatoes. He moved in there right after...in May and he'll be there until October.

Rep. James: How long have you been a farmer yourself?

Mr. Honrine: I've been farming ever since I was 16, but I've been using migrants for the last five-six years, and just about three years ago....

Rep. Fulcher: Can you tell us how you go about getting them and where they come from?

Mr. Honrine: Well mostly you locate them out of crews from Florida.

Rep. James: Do you do that yourself or is that done for you?

Mr. Honrine: Well, you mostly go check with the Employment Security and they can put you on to.....migrant crews that are available. And alot of times if you can't get them, there are rural crews that will come in and then you get to know crews like they come up here and work for someone else, and you get to know them. And mostly what you're doing year in and year out, you interchange because one crew will get tired of one place and they'll move around.

Rep. Fulcher: That was my next question. I wondered how many repeat...

Mr. Honrine: It's pretty hard to keep the same ones. I don't think the facilities is going to make that much difference, because it seems to me like they just get bored with a certain place. You could have good housing, the housing was good, and this migrant crew that was in there had been in there two years now.....

Rep. James: I want to ask you if you know this is a legislative study group and are looking to change laws, enact new laws, maybe repeal some laws. Do you have any suggestions as to what we might be able, as a legislative study group, to improve conditions for moving, for..., and for the migrants themselves.

Mr. Honrine: I think you got one problem in the people who have got the money, who have got the authority in lending. You say FHA has got the authority to lend. But don't let him come, you go to ask them if they got money, don't let them come and say "No, we don't have enough"...

Rep. James: But that's a Federal thing and we are State...and this is not in our jurisdiction.

Mr. Honrine: I know, you see you're bumping, bumping against a wall there. You say well, we can't do it because this is Federal.

Rep. Fulcher: Have you met with nay Federal people like any of the Senators or Congressmen's staff or any of the people...Washington... sit down and talk to you?

Mr. Honrine: No, not that I know of. But I think that's where you get your problem is...which I don't blame them...but I know alot of people that have been turned down.

Rep. James: Can you give us one or two reasons for being turned down that you know of?

Mr. Honrine: Well, by just talking to people about the one percent loan. they claim that the Federal Government has decided that..... they can keep you from doing...that's the people would give you....

Rep. James: Yes, but they've gotta have some sort of reason.

Mr. Honrine: They don't have no more money appropriated. That's the basic reason right there, they don't have the money appropriated for that.

Rep. Fulcher: We're going to check into that. Let's move from the physical facility, the building, that kind of thing...repeating Rep. James' questions to you, what in your opinion, aside from the physical facility and getting money...we'll come back to that with some other people, what do you see that you can suggest to us, as Rep. James has indicated, that we might be able to the General Assembly of NC that would improve your situation and improve some of the situation of the

migrants.

Mr. Monrine: That would be hard to say because everybody's got different opinions of it. My opinion of it is that really it looks to me like the best way to do the camp situation to keep the farmer from having so much.....to throw out, is that, might sound wrong to, let the government buy plots of land and build these camps on it.

Rep. James: You think that would help....

Mr. Monrine: Alright, if the Federal Government was spending the money, let the Federal Government build the camps and lease them to the migrant people.....

Rep. James: ...the government cannot....business and keep up with that .....it's really not the function of State or local to.....

Mr. Monrine: That way it would keep the poor farmer out of it. It looks like the farmer's getting roped, tied up for all of it if they don't want the money to do it with and you turn it around and the farmer can't get the money.....

Rep. James: I hate to go around and around, but what I am trying to find out from you...Have you made applications for your loan? (Response: Yes) Did you have to go to any other agencies...before you were eligible?

Mr. Monrine: I believe that that was one of the.....that had to be

Rep. James: I'm a farmer and we got....15 years ago, and the first think that they told me before I was eligible was that I had to go to at least two lending institutions, bank or whoever, and make application for my loan to build a camp and they had to be rejected. I went to lending institutions, made application and they approved it. So I was ineligible for the one percent loan.

Mr. Monrine: I believe that is true.....

Rep. Fulcher: Now moving on past again this physical facility, if you've got a good physical facility, what else would you suggest to this committee that we could do to improve your lot and that of the migrants?

Mr. Monrine: To help them more?

Rep. Fulcher: Let me ask you this. How do you pay your migrants?

Mr. Monrine: Through the crew agency. In other words if you were to contact the crew leader, and the crew leader sends out people to pick 75¢ a bushel, you pay him 75¢ a bushel for every bushel picked. You pay it to him. He disburses the pickers...probably pays them somewhere

between 25¢-30¢ a bucket, I don't know.
Rep. Fulcher: You contract with the crew leader?
Mr. Honrine: You contract with the crew leader.
Rep. Fulcher: There's an interesting observation that I made this afternoon while touring some of these camps. And my observation was that there was a brand new black cadillac, $24,000 - $25,000, belonging to the crew leader....Rep. James, can I tell this...well, your problem is there, it is a well known fact that the crew leader is going to be the one to come away with the money, and the food bill, the people have to pay for the food bill. And buy the intoxicating beverages that they buy from the crew.....he's really going to end up with the money.
Rep. James: There is one other thing that I want to ask you. When you pay your crew leader, does he have to give you a list of the names of people that are going to work?
Mr. Honrine: No
Rep. James: Don't you all require that?
Mr. Honrine: Yes sir, we do. I know we do.
Rep. James: ...and an address so that you would know in advance... The problem with us is that the only address that we can furnish is the labor camp....I know as a member of this committee...that we are required to keep it on record. Who does your accounting? Who keeps your books? The daily transactions records.....
Mr. Honrine: The daily transactions, I don't really keep up with the daily transactions when I was farming. This year I quit farming. But when I was farming, the daily transactions was kept up through by tickets-you see the check for the labor payroll and you would take that times the bushels and that's what you'd be able to prove.
Rep. Lutz: I was going to ask him about the money and he's already gone over that. But in order to be eligible for the one percent interest, is it a requirement that you have....is it requirement that you have to put heat in your building although you are not going to use it?
Mr. Honrine: They required it for me.
Rep. Lutz: And then to get back to that keeping of records...I know some boys that are in trouble right now because the crew leader left before he gave them the money of the workers, social security numbers.... and now the boys are waiting for a case in court.

Rep. Fulcher: There is obviously such a disparaging...between the life and the living conditions of the migrant workers themselves and that of crew officers...it's just amazing...because this afternoon, in that one place-- I go back to the cadillac--

Mr. Myers: The question that I ask is, there nobody under the present system or the system as you have dealt with it- worker or crew leader that the people within the field are making the minimum wage, whether they were getting paid.....

Mr. Honrine: No, I'm afriad that the majority of the crew members and farmers are in the same place, that they don't really know if the people are making minimum wage, because when you talk about minimum wage in harvest and feed work, it's pretty hard to get down because they've got some out there that's going to work, and some out there that's going to sit on their buckets and not work. And where you get your, you talk about minimum wage, and you got some that are going to be qualified for the minimum wage and some, that if they were up here in a factory- he'd be asked to leave, to quit.

Rep. Fulcher: What if you paid, what if you yourself paid the migrant directly instead of paying the crew boss and having him or her distribute money? This has been suggestion of.....that they feel might solve the problem. How would you react to that, on a weekly basis pay them instead of.....

Mr. Honrine: It would help, I think- 80% wise. You've got to consider that you are going to have a problem in there if you did it that way. You're going to have to look after the crew boss through the people and you are going to have to look after the crew boss if there is any other money. If you did that, you're going to.....a whole lot more.

Rep. Fulcher: I'm not sure I approve of that crew boss driving a big cadillac around and everbody else is living like I saw...I'm going to be honest with you.....

Mr. Honrine: I know that. It's tough either way, but it's going to be tougher the other way for the farmer.....

Mr. Myers: Let me ask you this - if the farmer paid the total or percentage or whatever it is that he pays the crew leader, there is a percentage I'm sure- you say that you pay 75% a person and he pays them 25¢, so you have a 40¢ toll which is for keeping that crew together...

how does that threaten the system other than putting the money directly into the farmer's hands...

Mr. Honrine: You're going to make number one, the crew leader more accountable and that's what we are trying to get to...making that crew leader more accountable for what's going on. It would but it won't work because you got the crew leaders there, he's going to be asking for money....and you're going to have hands over here saying well, I didn't eat that way or I didn't do this, and only the crew leader will know if he did, 'cause you ain't going to the fields with him.

Rep. Tyson: When those migrants come up here, say the last of May, and they work for you for 60 days, then if you arrange a crew leader and no labor, what are they going to do then...you're through with your work.

Mr. Honrine: A good crew leader, as soon as the owrk's over or before the owrk's over, he's already out contracting other jobs.

Rep. Fulcher: Are there any other questions or comments? Thank you, Mr. Honrine.

Juliana M. De Wolf (FW Legal Services, Wilson, Nash Co.) was recognized. She presented two witnesses who wished to testify, Ersulin LeClair and Marcel Augustel. Juliana explained that Mr. LeClair was to speak for both of them as he spoke English.

Rep. Fulcher: And your name is what?

LeClair, sir.

Rep. Fulcher: And where are you from?

LeClair: Haiti

Rep. Fulcher: Is this the first time that you have been working as a migrant in North Carolina?

LeClair: No, this is the second time.

Rep. Fulcher: Second year. Tell us whatever is on your mind.

LeClair: Last year I worked.....farms, Rocky Mount. I'm working very well so I come back.....This year I don't know.....working. Last year I seen a lot of people say late, I'm sorry...you come too late, try another place, you not working this year, I can't take it.

Rep. Fulcher: What brought you here? Did you have a contract with a crew boss, did a crew boss recruit you, or did you just come on your own? How did you get here and then find out that there wasn't work - is that what you are saying?

LeClair: I just came by me, you know. I would pick up jobs. I bring my family looking for jobs.

Rep. Fulcher: How many are in your family?

LeClair: Ten. But I come and he say too late...he did not have a place for me. I talked to one man, his name is Chris,....he got a farm of tobacco, he say he need six people for crop of tobacco. I say ok, I got six people for you. He take me ...in Nashville and give me..... hot water, cold water.....and that's all. I work for him for one month and this month I get a accident....one day he call me and say LeClair, ok, I need six people for working one Saturday. I say ok boss, that's no problem and go working. While at the field....two hours, three hours, I finish and go another field, I started working, I started working about 8:00 in the morning, but at 9:00 or 10:00.....he wanted us to go another field.

Rep. Fulcher: 9:00 or 10:00 that morning?

LeClair: Yes, he said he wanted to go another ?field?. His father, boss man, he brought a truck, he brought a tractor.....I get my wife and my wife say ok LeClair, do you want something to eat, I say "yes, give me something to eat". I eat. The boss man.....say he need three people and me to help on the tractor, take that tractor there and put in on the truck. I say boss man, I cannot do, that too hard for me, might strain.

Rep. Fulcher: You were going to pick up a tractor and put it into the truck?

LeClair: Yes. I say boss man, I cannot do that..it's too hard. He says no, that's easy.

Rep. Fulcher: What kind of tractor was he talking about? How big was the tractor?

LeClair: The light tractor. He say ok, LeClair, this is boss..... that's what happen. I go. When I go, he tried to put....in truck two back big tire he put in that big truck. He asked me help put in front...help...the tractor is moving?...when I go me I take the front he say no....what is....take the steering wheel. When I take the steering wheel.....turn around.....but the truck's in big trouble.....one tire.....when he turn around he leave this and..... I say burndt, it make me cry.....the firemen tell me it's ok, no

problem.....say they take me to the hospital.....

Rep. Fulcher: Did both of you get hurt at the same time?

LeClair: Yes sir. My people.....washing clothes.....leave him there at the hospital....later...

Rep. Fulcher: You left him in the hospital? How long did he spend in the hospital?

LeClair: Yes. Eight days. One weeks. One week he came in to pay my people. When he finish pay the people, he look at me and I look at him too. But, this morning I make first time, I send to Haiti for my family - my mother, my sister, my brother, my father.....I not have enough money. When he look me, when he finish the other people, ...I say boss man, what can you do for me please. But I have nothing for my family - my wife.....try to help me, try to help my family 'cause now I can't work.....He say I can't do nothing for you, but now what I can do for you is pay hospital, that's it. I say that's alright, ok, thank you.....he no give me nothing. He just...paying the accident in the field. I were to work for $12 three hour, I make $12....he ask how many hour you make this time accident last week....three hour boss man.....he take $5 for the room my wife and I sleeping. He give $7 like this.....I say boss man, you will take $5 for this palce you give me for sleeping? Again, he say you have to take this. I say that's alright, thank you. What is your money....$7.....I put my check..... $7 check given to him....but he no sign.....

Rep. Fulcher: Did you take it back to him and ask him to fill it out?

LeClair: Yes, but.....

Rep. James: I don't mean to interrupt but....I don't want to interrupt what he's trying to say but we have to move on. We do have laws to cover workman's compensation.

(Exchange in creole between LeClair and Juliana.)

LeClair: The lawyer told me ok he ought to call him what we can do about my.....

Rep. James: Was your hand broke?

LeClair: Yes

Ms. De Wolf: The lawyers told him, the Legal Services, that there is no workman's compensation for people working in the fields.

Rep. James: That isn't right.

Rep. Fulcher: Who told him that?

Ms. De Volf: It's in the law. The workman's compensation does not exist for farmers, for farm workers or for household workers. No workman's comp.

Mr. Myers: There's no mandatory coverage. I think in the last committee meeting before that, John might clarify...when we had a legal person in who presented documents to us...that there was no law that required protection of farmers, though there are some farmers who may carry, but there's no law that requires farmers to carry worker's compensation for farmworkers.

Rep. James: I don't think that there's any doubt that the man is libel whether he's got workman's compensation or not. I don't think there's any doubt about it.

Rep. Fulcher: That could be one thing we need to look into. Tell me this, who paid his medical bills? Who paid the medical bill and hospital bill?

LeClair: (via Juliana translating) The farmer.

Rep. James: I know that all the occasions that we've had, and we've had accidents, that we surely had to have worker's compensation. And I did not know. And I think that there is the provision in it if you work more than so many hours or so many days....you probably know about that.

Mr. Myers: There's some qualification in it.

Rep. James: Some qualification, but near about everbody comes under this. How many people did you say was working for this man at one time?

LeClair: Six people.

Rep. James: What does the law say?

Mr. Young: You may wish to look in your red book on farmworkers law. Farmworkers are not covered under workman's comp.

Rep. Fulcher: That's interesting. I didn't know that.

Rep. James: I don't think there's any doubt that the man's got a case.

Rep. Fulcher: Do you have some other people that want to be heard? Thank you very much for coming. Tom, you want to give us some help here. I don't know who on this list wants to be heard.

Sandra Martinez-Ruiz, would you like to try next?
Rep. Fulcher: Your name is Sandra? Don't I recognize you...didn't I see you this afternoon? Response: Yes.
Chip Hughes: I was with Sandra and I just wanted to say that we had met Sandra a few weeks ago when we went to try to collect wages for some people that hadn't been paid at the camp where we were this afternoon and met Sandra and she told us what the situation was. She want to relate some of it to the committee here tonight.
Sandra Martinez-Ruiz: I came up here to do the bookkeeping on the camp. When we got here we worked at that about two or three months. The crew leader I worked for problems from last year...with people from the Labor Board. They came over to the camp to investigate. When they did, he told me that he had problems with his books; that he was going to get them straight and that I was going to be off from work from one to two weeks; it has been three months now. When the people from the Labor Board came they sell beer at the camp.
Rep. Fulcher: Who is the they that sells beer?
Ms. Martinez-Ruiz: The crew leader and his wife.
Rep. Fulcher: The crew leader and his wife sell beer and anything else?
Ms. Martinez-Ruiz: And wine. And some liquor. They have a book where they write down what the people owe; people helped to get the people to drink. Right now, I am not working. I have four children. My husband works down in the field. For most of the time he sends the people that drink a lot; the people that have big bills - those are the ones who get the good jobs. All the time they don't do farm work...pulling weeds, planting grass and when they do that... they work ten or eleven hours a day. We are the only family on the camp. My husband never gets those chances to work by the hour. Right now, he worked Monday; he only made $1.75 all day. This morning he started work at 8:00 in the morning until 6:00 and he made $9.30. They are paying him....
Rep. Fulcher: Do you do their bookkeeping?

Ms. Martinez-Ruiz: No, I didn't. The wife did. They don't nobody see the books; what they owe, what the people owe.

Rep. Fulcher: Are you telling me we have two sets of books?

Ms. Martinez-Ruiz: Yes. That is always in the crew leaders or the wife's hands; nobody else gets to touch the books. When the people come in to get something, the only one that writes it down is him or his wife, and they are the only ones that collect that money. Nobody else gets....

Rep. Fulcher: What do you keep track of in terms of keeping the books?

Ms. Martinez-Ruiz: While I was working, the hours, the piece work that they did, the Social Security, but then when the people from the Labor Board came and found out they had people eating out of the kitchen they were charging $40.00 a week they told them that they had to save all their receipts and that they had to take the pay sheet and at the bottom and write food or cash that they borrowed. He says that people have big bills because they borrow money, which is not. And he puts that down at the bottom now, food or cash and he deducts that from the paychecks, but they don't do that every week now because I have seen people's receipts. They come up to me in my room and they tell me, Sandra, check this because I made so many hours and I don't think this is right. Two or three weeks ago there was a man they told me checked this for me. They had paid his $62.00 and when I added up his hours in my room in the house where I live it was $94-$93. I told them so let them finish paying off the people and then go back and ask them and tell them that that is wrong. And that is what is been happening ...every week to people.

Mr. Hughes: One of the problems in the situation that we had been asked by people to try to collect for, it was a couple and it turned out that there was only the man's name in the book and that I asked the crew there about this and he said that this was their usual practice .....they would only cover the husband's name in the book and even though both of them worked there would be only one person who would be counted.

Ms. Martinez-Ruiz: That is a problem, because it was a problem for me when I was doing the bookkeeping because these pay sheets have small spaces and if they both work by the hour you have a side for the

hours and another side for the piece work. If they both work the same day...you can't put 16 hours one day, you have to put 8 and 8. You have to make a thin line and try to put them both on the same line. Either that, or put it under a different date. They will say that they didn't work Tuesday. That they went to the clinic or to the food stamp office and for that Tuesday I will put what the wife worked and then Wednesday put what the man worked. It was a problem.

Rep. Fulcher: Don't you have a different sheet? One for the man and one for the woman?

Ms. Martinez-Ruiz: No

Mr. Hughes: I went through his books the evening I was collecting wages and I couldn't find this woman's name in the books for the last few months. And that was sort of strange because I know she has been working there all summer, but these are some of the things that are very hard to find out about. Particularly with the food and the beer and wine, that is very difficult to understand how people can work all week and still be in debt. And that is of one of the things that Sandra has tried to show. In this case, two whole separate sets of books, one that the government sees and one that nobody sees. That's common among the camps.

Rep. Fulcher: I need to ask a very dumb question here, but is it legal for crew bosses to sell alcoholic beverages of any kind?

Mr. Hughes: They are not supposed to.

Rep. Fulcher: Who has the responsibility?

Mr. Hughes: ABC is supposed to police that but there has never been..

Rep. James: ...I am delighted that several people of the Wage and Hour people are here and it seems to me that you need somebody from the Attorney General's Office to look into this thing because this is not a matter for our consideration. I think it is nice to bring it out and point it out, but what you have got is a flagrant violation of your laws that you have and what you need is law enforcement.

Rep. Fulcher: Let me ask this question, following up on that. Whenever any of these abuses or any of these kinds of things that you have been describing and the sale of the alcoholic beverages, are these things ever reported to any authority anywhere?

Be it at the county level, at the state level. Is it reported to the local Health Department...or the local Sheriff's Department? Does anybody anywhere ever check on this? Number two, if indeed they do, does this person who reports this violation suffer any consequences as a result of having reported it?

Ms. Martinez-Ruiz: Waen the Labor Board was at the camp, they didn't mention no names but they knew about it because they asked. But I really don't know because he had just come from buying groceries and the hallway, his room, that is what he uses as his office, there were boxes of beer and wine all over the place. By the time the man got off his car, walked up the steps to the porch, everything had disappeared. There was nothing in site.

Rep. Fulcher: We saw a lot of it this afternoon.

Ms. Martinez-Ruiz: Well you know, the boxes, the beer, the cases full of beer. I don't know what he did with them, where he put it.

Mr. Myers: I would like to ask a couple of questions if I may. One is, we visit your camp today and we heard from the gentleman from Haiti that he paid rent on his facility. Do you pay rent?

Ms. Martinez-Ruiz: No. We pay $5.00 each for lights and gas, but we don't have a stove in our house. We don't have hot water either. The only house that has hot water and has a stove in the kitchen is the big house where they live. (they being the crew leaders) I used to cook. What I use to cook, I have a refrigerator in my room and I have a small camp stove that I borrowed from them, they let me have it when I got here. Right now, I don't know what happened today. Somebody came out, they took the gas tank...I don't know that they haven't paid for it or what....when she went to pick me up they came and took the stove out. Right now I haven't cooked since yesterday. I have given him the money to buy me gas. They don't take us anywhere. I have my babies. My baby was a year old yesterday. I had him three whole weeks with fever and diarrhea and there was nobody to take me out to the clinic either. That is when I found out there was a Migrant Office. I called them and they took me to the hospital; they have taken me to the food stamps; they the ones to take us where ever we need to go. Nobody in the camp does. That means that right now when

I get home I haven't cooked, I don't have a stove to cook on and I don't know where I am going to make breakfast for my kids before they go to school tomorrow morning.

Mr. Myers: The second thing is...is the camp that you are staying in, has it been inspected by OSHA, is it a certified camp?

Ms. Martinez-Ruiz: They came to inspect it and the man who left the list which I saw, when he did come I was doing the bookkeeping and ..show me, look I have all these problems, I have to fix the heater in your house, I have to fix the heater in their house, the bathrooms aren't right, I have to put screens, the man left a list of everything that wasn't right. To show that they want them to have them fix it. They are still the same way...they haven't fixed it.

Mr. Myers: That was done when?

Ms. Martinez-Ruiz: June

Mr. Myers: I would like to say from an editorial standpoint if I may that certainly these are a flagrant violation of the law; that they are a demonstration of the way the system works and I don't think that we can ignore the present system and the way it works in any way that we look in improving, perhaps, the future systems to the extent that we can't affect them.

Rep. James: I hope the people here, other than us, who are taking notes on these sort of things, because if you have got a law is being violated then somebody is responsible to see that it is not violated. I know that we have people here who can look into these sort of things. I doubt seriously that this legislative study committee can do anything about it, but I think it is nice that these problems have been asked so that they are more aware of it. There is no doubt in my mind that they exist.

Rep. Fulcher: I think the one thing that we may be able to do in this regard, is in our recommendations, whatever they are and whenever we make them, we will include in those recommendations if need be, legislation to correct these things. We will have to look at that. If we already have, as Rep. James has pointed out, and in certain areas we do have legislation which covers these things and it is not being done, then we want to find out why it is not being done and then we want to

see to it that it does get done. I just want to ask you one further question. Do you have any fear for your work or your own person by being here tonight and testifying before this committee?

Ms. Martinez-Ruiz: No, not really, because yesterday I went to the employment office...you know, we are trying to find work. This is the first time we have been on a camp. My husband is a welder. I took up bookkeeping for two years. I worked with different construction companies as payroll clerk. Right now, we haven't left the camp because we don't have the money to do so. If we would have had the money, we wouldn't be there right now.

Rep. Fulcher: I just wanted to make that clear because it would be a very serious situation if something were to happen to any of these people who speak to us.

Rep. Fulcher: Next, who do we have? Johnny Paulis. Johnny, have a seat. . . First off, tell us your name and where you are from?
Mr. Paulis: My name is Johnny Paulis. I was born in Haiti, but I was. . in New York.
Rep. Fulcher: How long have you lived in North Carolina?
Mr. Paulis: . . . a month and a few weeks.
Rep. Fulcher: Is this the first time you have been to North Carolina working?
Mr. Paulis: My first time, yeah.
Rep. Fulcher: What would you like to tell?
Mr. Paulis: (Description) (Johnny came here about a month and one half ago as a translator for a friend's uncle who was a crew leader to communicate with the Haitians for them.) When I come here he told me he was going to give me a job to be interpreter for my people . . . because some of them do not speak English and I cannot understand, can understand better. . . so when I come he want me to work like everybody because I am from five hundred miles to Haiti and he known I can't get back just like that. . . left me here so I can't go back home. For me it is like a robber, like a gangster, like a gang, somebody take you from your own town and tell you you are gonna do this, this, this, when you come everything change.
Rep. Fulcher: So you are here now and what are you doing?
Mr. Paulis: I do nothing, but I am here.
Mr. Hughes: Johnny, why don't you tell about when you came, when you got your ticket, and started working. . .
Mr. Paulis: The first week I come. . .the first experience I do. . . he tell me know what I gonna do for you, you have got to come in my office. . . he doesn't have any office, he tells me to come in his room. And , I come in his room and he give me a ticket. He told me that is a meal ticket I gave you. $40.00 meal ticket. But I . . . and he told me that meal ticket anything you want. . . anything you want to buy. . . you have got to get that ticket to get anything.

Mr. Hughes: What could you get with the ticket?
Mr. Paulis: We can get cigarettes, wine for people who would drink. . . and food. But,. . . the thing I can't see. . . I don't spend that much to eat when I am in New York. . . I have got to spend almost $8.00 to eat.
Rep. Fulcher: You were living in New York City proper?
Mr. Paulis: Greenwich Village.
Rep. Fulcher: . . . where did you work when you were there?
Mr. Paulis: I used to work in Human Resources Administration . . . A guy who come to me and he say I got my uncle in North Carolina and he got a good job. Why don't you come with me to North Carolina and you can be able to work and get enough money and go back to New York. I told him, all right, no problem. I told him what I am going to do. . . When I come what he wasn't telling me wasn't true. . .
Rep. Fulcher: So now you here, you don't have any work, and you have no money to get back to New York? That is the situation?
Mr. Paulis: No, yeah. . . I will never be able to go back home because what I was making would not be enough for me to go back home.
Mr. Hughes: In other words, you were not making enough money to pay your way back.
Mr. Paulis: . . . I can't make it. Because you work 12 hours a day, more than 12 hours. I start working at like 6:00 . . . and we stop working about 7:00. I do that for a whole week, and you know how much money I make? $54.00. I already owe him two tickets for $80.00 and now he is trying to tell me, you make $54.00, you owe me $80.00.
Rep. Fulcher: Do you think we have got the picture? Any of the rest of you need to ask him any questions?
Mr. Hughes: Anyway, he ended up with a negative $26.00 after working. . at 12 hours a day, and he ended up owing the crew leader $26.00. That was his first week, and we have some of the records that he has from then on.

Mr. Paulis: I tell them I can't take it, that I have got to go back home. He tell me he don't care about me. What I see in this stuff, nobody cares in this kind of work. It is like a gang. . . it is not a human thing. Nobody cares, if you are there, you are there; if you work, you work. Whatever you can. . . that is the way.

Rep. Fulcher: Anthony Grant. . . where are you from and how long have you been in North Carolina?

Mr. Grant: I have been in North Carolina for two weeks. From Philadelphia.

Rep. Fulcher: Is this the first time you have been to North Carolina to work as a migrant?

Mr. Grant: Yes.

Rep. Fulcher: Where did you work before coming to North Carolina?

Mr. Grant: Staff Builders. That is a construction company. At the present time, I was laid off, right. I was in front of the employment office and this crew leader and a few of them that worked from North Carolina were in front of the employment office and they went inside the employment office and told the employment office that they need truck workers that's willing to load trucks. . . and they would be paid $35.00 a day and they get paid at the end of the week so I don't know what the employment office do but they put the sign saying what the man said. . . I fell victim to that. I went to them and asked. . They say, do you want to work, I say yeah. I said I am willing to work; that I was employed by Staff Builders but they laid me off, but I still need a job. I said, how long will I be there, in North Carolina? They said, you will be there until the season was over which would be sometime in November. The crew leader's name was Jack Simmons. So, uh, I went. I ain't had to sign nothing at first. But when I got in Washington, D.C. they stopped to buy a case of liquor. . . they put out these sheets saying what. . "we are not responsible for your transportation back home, we are only responsible for your pay and your meals and your room and board" which they said was $40.00 for your meals, $5.00 for your room. They had it all down on the paper and if you disagreed, you didn't have to sign.

Rep. Fulcher: But you didn't see that paper until you got to Washington? Did you ask him in Philadelphia. . . did you ask when you first met this person?

Mr. Grant: Did I have something to sign or anything? No sir. So, uh, while I was in Washington, D.C. in front of this liquor store I threw a big scene about that. I said, "Look you bring me all the way here I would have never left Philadelphia." They said, "Well, we will leave your a_ _ here." I said, "Well, leave me here then, but I guarantee you I will have the law follow you all because you aren't taking me back home." So, the man calmed me down with this flim-flam game he shoots. . So, I say, okay, okay, okay. Since I am all the way to Washington. . .

Rep. Fulcher: What did he tell you?

Mr. Grant: He told me that if you sign the papers, you do the work, I guarantee you will be making $35.00 a day and you will get your money to go back home if all you are interested in is going back home.

Rep. Fulcher: So that is when you signed the papers?

Mr. Grant: I signed the papers. I gets here in North Carolina like about 3:00 in the morning, it is dark, I ain't got no place to sleep. The man tells me to take a room. I goes in this room and there ain't no clean sheets, no mattress, the mattress all dirty smelling with p_ _ _in it. I said, "Do I got to lay in this? When do I get clean sheets and all of this?" They tell me to wait until the morning, there will be a lady named Miss Betty. I said, "Okay." The same thing I came in with, what I have got on now, I rolled my little jacket up, folded my hands up, and went to sleep. The morning time comes, the lady tells me, if you want sheets, blankets, it costs $2.00 for the sheets and $5.00 for a blanket, $40.00 for your food and all of this . . . and I said, "What?" I told them I wanted to see the crew leader. They said, "Well, this man named Jack Simmons ain't here, but he will be here." I said, "Okay, when I see him all I want to do is go back home." I say, "I refuse to stay here under these conditions and I want

Mr. Grant (Cont.)
to go back home." So, I go to see Mr. Jack Simmons. Jack Simmons says to me, "How did you get here? Calm down, calm down, I can talk to you." I said, "One of your crew workers brought me here." He said, "Which one?" I said, "Mr. Simon." He said to call Simon. He said to Simon, "What did I tell you about lying to them boys and getting them all the way up here. I told you don't be lying to them boyd. . . you bring them up here under false pretenses I told you about all this." I said, "Mr. Jackson. . . I want to hear you are going to give me my carfare to go back home." He said, "I can't give you no carfare, you have done signed this paper didn't you." I said, "I did sign this paper all the way in Washington after when they showed it to me. If you would have showed me the paper in Philadelphia, I would have never left." He told me to calm down. . . "If you pick these potatoes and you make enough money, you can go home. But you can't go home until you pay me what you owe me for sleeping in the room." I said, "What do I owe you?" He said, "Fifteen dollars." I said, "For one night, and it wasn't even the nighttime?" He said, "Fifteen dollars." I said, "Man, I want to go home. I don't want to hear nothing, I just want to go home." So you know what he tells me, he said, "Did you eat breakfast?" I said, "Yeah, I eat some breakfast." He said, "Oh, that goes into the $15.00 . . .So, I say, "Okay I am going to stay here one week and during that one week I am going to pay you what I owe you. Do I go home after I pay you what I owe you?" He said, "Yes." So, while I was there I seen a lot of violence going on. . . these dudes was actually beating up a joker. A grown lady who was supposed to have been his sister-in-law. . . a pipe and was getting ready to bust the boy in the head because he was messing with one of the daughters on the camp and plus she was no good anyway, she was a tramp. I tell them, I said, "You ain't going to be beating me like that. You ain't going to put your hands on me and think you are going to get away with it." So, he told me, "You don't like my camp, you can leave my camp." I said, "You ain't telling me nothing that I can't do now." So I walked to

Mr. Grant (Cont.)
Clinton and told the Sheriff. I said, "Sheriff, I was brought here on false pretenses, . . ." Sheriff told me to go to the Legal Aid Service. Sent me down to Legal Aid Services. I tell Legal Aid Services what happened to me. . . they tell me they ain't got no funds to send me home. They can't help. Do you want to go to another camp. Okay, I went to another camp and maybe I can. . . I go to this other camp by a name of Mr. Joe Jones. Mr. Joe Jones tells me that his meals is $2.50. He said, "You ain't got to pay for no room and board." But he said, "You got to pay for the food. . . they were selling wine and they were selling beer." I told them that I don't drink and I don't need that stuff. All I am interested in is going home. Can I just pick your little biddy potatoes and go home. So, I worked for one day. I only picked 12 baskets, a quarter a piece. . . he said, "Boy, you eat more than you pick." I said, "Man I want to go home, that is all I am interested in." So, Mr. Jones said, "I will give me one more time before I chase you off the camp." So, I went to work today. Today I picked six baskets. So, all of them were looking at me, his wife. . . and all of them. They said they aren't going to feed me. I said, "I want to see Mr. Jones." So, I went to Mr. Jones, and he starts laughing and he said, "You only made six baskets; I said that is all I picked man. I am not interested in really picking your potatoes. I was brought up here on false pretenses and I just want to go home." I said, "You can't give me carfare to go home or send one of your crew leaders back to Philadelphia to pick up some more boys, do something, but get me home." So he tells me, he said, "My name is honest Joe. When other crew leaders kick them out, I take them in. I am honest Joe, so I will make sure you eat,but I am going to tell you, I am going to take you back to that loading dock and then you can keep on walking." They took me to the loading dock where they load potatoes up there and put me off and told me to walk. I walked to this supermarket and told this lady in the supermarket, "Miss,would you please call the Sheriff for me so the Sheriff can come get me." The Sheriff came and got me. He said, "What's the problem?" I said, "I just got kicked off the camp because I don't work hard enough for them." So, I. . . I have no

Mr. Grant (Cont.)
place to go, I am not from this county or this state, right. I am just saying, why would these people be. . . doing this to people who live far. . . why they can't get the people who live here to pick their own potatoes. They ain't got to be coming from North Carolina all the way to Philadelphia and New York. . . there are people all over here that are stranded in this little town because they can't go home. Just like. . . they selling them beer, liquor, cigarettes, got separate books, all that's true. I have seen it. I even told them about it. I seen the green book. A green book with these rules and regulations that this state. . . against these people that's making liquor and corn. . . I showed that to Mr. Jones. He tore that book up and said, "Man, we ain't worrying about this." I said, "You will be worrying about it when I tell the law. . ." I can take them to a house right now and show them where they have got liquor, corn liquor and beer and wine. . . All I want to do sir is go home. I don't care what is going on in this state, just please send me home. . . I just want to go home. I went to the farm migrant office . . . take them down into that old. . . everybody get food stamps, sign everybody's name, gave $2.00 worth of food stamps. Guess how much everybody gets when they get back to that camp? Ten dollars apiece. He keep all the rest.
Rep. Fulcher: Who keeps all the rest?
Mr. Grant: The crew leader. Jack Simmons. . . We have got food vouchers . . . $15.00 he told everybody, you ain't got to eat in my kitchen. . . but if you don't give me $8.00 of that $15.00 you are not going to get nothing out of my kitchen. Same way he did with them food stamps. I mean, a bus load of migrant workers going to go to a food stamp place, put our names down and say we want food stamps for ourselves and then we have got to give most all of it, 60 percent of it, only get $10.00 out of $72.00 worth of food stamps and then when I ask him, I said, "Mr. Simmons, if I give you all these food stamps, could you give me my carfare to go home?" You know what he told me? He said, "For each dollar, I give you 50 cents on." . . . I started adding it up. . .there

Mr. Grant (Cont.)
ain't enough for me to go home. He said, "Anyway, you owe me money. How you going to go anywhere until you finish paying me?"
Rep. Fulcher: How much does it cost to get you home to Philadelphia?
Mr. Grant: Fifty-five dollars and seventy-five cents.
Rep. Fulcher: Is that the bus fare to Philadelphia?
Mr. Grant: Yes, that is all it costs. . . if they ask me to press charges in front of them jokers and tell me to say what I say right now, I will say it, and if they ask me to bring them proof where they was selling they wine or they got. . . I will take them to it. I dislike what they did to me. . .

. . . . .

Rep. Lutz: When they put you out in the field to pick potatoes. . . Do I understand you picked up potatoes and put them in a bucket? All right, they are already dug out of the ground?
Mr. Grant: Oh, no ma'am. . . Some of these farmers ain't got no shakers. Machines, that is what you are supposed to use. A machine with a shaker that digs them up and then shakes . . . you could see them, but you still had to dig your hands into them and pull them up from the roots.
Rep. Lutz: You said you just picked up twelve buckets.
Mr. Grant: I picked up twelve buckets one day and six buckets today.
Rep Lutz: How big is the bucket?
Mr. Grant: . . . a quart.

Rep. Lutz: What I am trying to say is, that doesn't seem like, now I am a farmer, and that doesn't seem like many potatoes picked up. Now, I could be wrong, but that doesn't seem like many potatoes. But was he paying you and you just got 25 cents; the crew leader kept the rest of it?
Mr. Grant: He ain't give me no money because he told me I owed him for the food that I ate and for the room that I was staying in.
Rep.Lutz: But, wait a minute. You said that he had promised you 25 cents a bushel . . . when you went to pick up potatoes. He said he would give you 25 cents a bushel.
Mr. Grant: Right.

Rep. Lutz: All right. That is what I was getting at. So, that would make you $3.00. How much does. . . an average, a person that picks up potatoes, how many do they usually get a day?
Mr. Grant: You could pick as many buckets as you want. . . you could pick a hundred buckets. . . if you were a strong worker.

. . . . .

Rep. Fulcher: I think what Mrs. Lutz is trying to get to, on an average how many bushels or how many baskets does a person normally pick a day?
Mr. Grant: A day? Okay, if you get up at 6:00 in the morning, get to work at 7:00, from 7:00 until, sometime you leave at night, 7:00 at night, the average person can make about 12, 14, or 16. It depends on the person. An average person could bring home at the end of the week, cause they say they pay you at the end of the week, you can make around $100 and something. When you get finished, they should take out at least about, you should . . . after they take out your security. . . you could bring home about $90.00. . But, with you owing them for food, owing them for that room, owing them for their wine,. . . you never see none of that money. You work. . . with all those tickets all through the week . . where my money at. You owe me this, you owe me this. . . you ain't got no money.
Rep. Fulcher: Okay, I think we understand, we got you.
Mr. Grant: All I am interested in is going home, back to Philadelphia. North Carolina will never see me again.

. . . . .

Mr. Boisen: The first place he came in Clinton as far as I know is to our Church. We walked in. He was afraid. . . Can you explain anything they told you about the Sheriff?
Mr. Grant: Oh yeah, when I left Jack Simmons camp they told me. . . see what they done to that boy right there, go ahead to the Sheriff and tell the Sheriff that such and such happened here and see what happens to you. Go ahead down into that Sheriff's office. I said, "Well, now let me think about it." I just kept on walking and then I saw this Church and I went into the Church and I asked for the Migrant Receiving

Mr. Grant (Cont.): Office and they came and got me and put me up in the shelter for that night. Right? And then when they got finished with me, they asked me did I want to go to another camp. They ain't even mentioned did I want to go home, they just asked me did I want to go to another camp.

Rep. Fulcher: Are you the minister of the Church?

Mr. Boisen: No, I work at the day care center at the Church. . . either he or the other man who walked off with him came to our Church first, they did not want to go to the Sheriff's Department because some people had walked off a few days earlier and Jack Simmons had told them they were in prison for 45 days. . . He never saw these people again so he did not know any different. . .

Mr. Grant: When we finally got to the shelter, one of the guys was there at the shelter and he says that he is pressing charges on Mr. Jack Simmons because he is the one they beat. . . four of Mr. Jack Simmons workers was beating this man up because. . . something about them food stamps, he said he wasn't giving them to them and he had done something with those food stamps and they were trying to get them from him and he didn't. . . I seen a grown lady grab a pipe and hit him in the head and I said they ain't going to do that to me, they are not going to do that to me. . . Please, will you help me, that is all I want to do is go home.

Rep. Fulcher: I wish I had the money right now to give it to you.

Mr. Grant: My mother doesn't even know I am here. I ain't made a phone call or nothing to let my mother know I am here.

Rep. Fulcher: Thank you very much for talking with us. I don't know where we will find the money to get you home. Okay, what time is it? Let me run on for a few more minutes. . . Mr. Pierre Prospery. . . He does not speak English. Can someone interpret for him? . . .Tell us who you are.

Mr. Prospery's testimony was translated for the committee

Mr. Prospery: . . came with a Haitian who brought several people to work here.

Rep. Fulcher: Was this his first trip to North Carolina?

Mr. Prospery: Yes.

Rep. Fulcher: Where is his home?

Mr. Prospery: Miami.

. . . . .

Mr. Prospery: I was working for boss, myself and 13 other Haitians and he never wanted to pay us for any of the work that we did. . . in addition, he owes me $400 that I had lent him for a jail bond that he still hasn't reimbursed me. I went to Legal Services and they went to the boss and told him to pay up, he said he would pay up but he still hasn't done it, and now I don't know what else I can do after going to Legal Services. . . I don't know what else I can do to try and get back my money.

Rep. Fulcher: How much is owing him?

Mr. Prospery: He owes me $400 total.

Rep. Fulcher: Is this the crew boss?

Mr. Prospery: The others are owed $100, maybe $500, different amounts.

Rep. Fulcher: Ask him how long he has been in the United States.

Mr. Prospery: Two years.

Rep. Fulcher: Ask him if there is anything else he wants to say.

Mr. Prospery: The Legal Services told me they have no authority to force him to pay the money I'm owed, but they would try and help me to get it back and one of the . . . suggestions is that I come here tonight.

Rep. Fulcher: How much money does Legal Services have and where do they get their budget? . . . Where do you get your budget?

Chuck Eppinette: . . . a . . . project of Legal Services in North Carolina which is a non-profit group that gets its funds from the Legal Services Corporation. The Legal Services Corporation is a non-profit organization that is funded by an Act of Congress.

Rep. Fulcher: Do you all run out of money?

Mr. Eppinette: Our budget is cut pretty drastically every year. The administration has projected zero budgeting for next year so we have been waiting to see what the Congress does.
Rep. Fulcher: Do you have any money you can help this gentleman?
Mr. Eppinette: What kind of help?
Rep. Fulcher: Well, he says he has money owing him.
Mr. Eppinette: I believe we are representing him . . .
Rep. Fulcher: Do you all have money in terms of discretionary funds that you could get this young man back to Philadelphia?
Mr. Eppinette: No. . . we have very strict regulations. . .transportation. One case of $400, another of $1,000 and other individuals going to Florida.
. . . . .
Mr. Hughes: We are passing a hat to send Anthony Grant home.
Rep. Fulcher: Do you want to place a hat by the door?
Mr. Hughes: . . . so the people can drop the money. . .
Mr. Myers: The organization that I work for might have been able to help the gentleman who came up here, but our organization requires that we only work with people who are, by occupation, migrants, and to demonstrate their occupation they must have worked at least 12 months in migrant farm work and earned at least $400 and be below the poverty guidelines. We have had many people who get into the migrant scene the same way as, I believe Anthony, got in there and gets here and there basically is nobody in this state that can help him.
Mr. Jim Wells: . . . just one thing. You were asking where money might be . . . if I remember correctly reading in the newspaper that there was $50,000 allocated this past short session of the Legislature for migrants or migrant. . . in North Carolina. I understand Sampson County got $30,000 of that money, but I don't know what it is being used for.
Rep. Fulcher: You mean that $50,000 totally was allocated. . .
Mr. Jones: $50,000 was allocated . . . migrants in North Carolina.
Rep. Fulcher: John, can you talk to that?
. . . . .

Mr. Jones: Our county manager said they thought they might hire a . . . part-time to help with the situation, for the Sheriff's Department, but I don't know of any other money that is being used. . .

Rep. Fulcher: John, would you make a note and see if you can find out . . .can you shed some light on it? Tell us.

Mr. Young: It was a bill introduced by Senator Warren, you remember the assistant county manager spoke to this commission. . . at the meeting requesting money to help counties where migrant stream is heaviest to defray the cost of their services. This money was allocated . . . to the county government of . . . Sampson County and Johnston County.

. . . . .

Rep. Fulcher: There were no strings attached to it? . . .

. . . . .

Rep. Fulcher: Interesting. It just went into the general fund. Do you all have any questions?

Rep. Lutz: There is one thing I would like to ask, Mr. Chairman. The young man who came up here wanting to get back to Philadelphia, all right, and he talked about getting food stamps and that they had to give $10.00 they kept $10.00 and gave the rest? Everybody gave him $10.00.

Rep. Fulcher: No, they kept $10.00 and gave the rest of the food stamp money to the crew leader. Now, can something not be done about things like that? . . We do have a record of this don't we?

. . . . .

Mr. Jim Wells: . . . Mr. Jack Simmons needs to be run out of the country. He is a . . . type and what that gentleman said concerning the conditions and everything is absolutely true and as far as taking their food stamps, that is absolutely true. . . I feel you should look into this. Should do something about it and not give a bunch of lip service and let it sit idle because it is a flagrant violation of the law and is being done and unless these people with enforcement authority take action, maybe this committee could prod them into taking action, but crews like Jack Simmons need to be run out of the state, they should not be allowed to come in the state, he is violating their civil liberties. . .

Rep. Lutz: What. . . these stories we have heard about the liquor and beer and wine. . .

Mr. Wells: They are absolutely true. . the alcohol . . . a flagrant violation throughout the state and it should be corrected.

. . . . .

Mr. Precythe . . . . we were told there that there were three different agencies that were supposed to be law. . . alcohol law enforcement . . . that the county has the primary jurisdiction and the state . . . and there could be one unified system . . . some state coordination or Crime Control and Public Safety on . . .

Rep. Fulcher: I don't mean to interrupt you, but the alcohol law enforcement in 1977 or 1978 was changed from the Attorney General's Office over to the Department of Crime Control and Public Safety.

. . . . .

Rep. Fulcher: . . . somebody has got to have some jurisdiction.

. . . . .

Rep. Lutz: Another question I would like to ask. . . Are all of these people or all of these persons who have made accusations are saying the crew leaders . . .?

Mr. Wells: . . . we don't have anything to do with them; we won't bring them in . . .

Rep. Fulcher: . . . it is getting late in the night and some of our folks have got to drive an awful long way tonight. Let me ask this, per chance, is there a crew boss in this room, a crew leader? Just wanted to ask to be sure. Is there a crew leader in the room? Are there any owners, farmers, growers, any of those people still with us or have come that might want to be heard. Okay, I have one more question.

Rep. Tyson: Mr. Chairman, may I ask this gentleman a question? Do you find this condition that you have referred to in this county to be the same all over the state. In other words, it is a statewide situation?

Mr. Wells: It is not a county problem. From the mountains to the coast, . . . they are going to take every penny they have made, they are going to sell them beer and wine and the whole works. They run a. . . business, a. . . business, a liquor business, a cigarette business.

Rep. Fulcher: Now I know how they drive Rolls Royces and Cadillacs.

. . . . .

Rep. Fulcher: Is there anybody else?

Mr.Wells: The free-wheeling crew leaders that they are the ones who are doing it . . . free-wheeling crew leaders as opposed to some other kind of crew leader that . . .

Mr. Precythe: Crew leaders that come through the system are monitored a lot closer. And, if we catch them, like Jack Simmons, we want them sent over to Jack Hunter and while the employment office in Philadelphia recruited for them, we don't recruit for no migrant . . . we will not recruit for them in North Carolina.

Rep. Tyson: . . . said the ones that you do recruit for that are free-wheeling are not bootlegging, or not accepting . . .

Mr. Wells: They are still bootlegging. Now, they can't charge board, but they can charge for food . . .

Mr. Myers: Can he charge for utilities?

Mr. Wells: The crew leader is responsible for the utilities; he is not supposed to charge the worker. . .

Rep. Fulcher: Did you have another individual?

Mr. Hughes: I wanted to introduce Luckner Frederic. He is from Haiti. He came to our office a couple of weeks ago after he had been shot at six times and his wife who was seven months pregnant had been beaten up. This seemed like another interesting case in that nothing has ever happened to the crew leader who did this and kind of another example of the lawlessness of the situation that all of these things happen and injustices are done, but they are never. . .

Rep. Fulcher: How long has he been in this country?

Mr. Hughes: June of '81.

Rep. Fulcher: How long has he been in North Carolina? Has he been here prior to this time? . . . First time in North Carolina? What prompted the shooting incident, can you tell us? Could you tell him what prompted the shooting incident? Would he relate that to you so we will understand that?

Mr. Frederic's comments were translated by Mr. Hughes

(Mr. Frederic): I was laying in my bed, and I came outside for a drink of water. I came over to the table and sat with his wife who was sitting at the table with five other people and then David Tuten appears, and he was drunk and came over and sat at the table.

Rep. Fulcher: And who was this individual?

(Mr. Frederic): The crew leader. . . David Tuten. Then he pointed to some people sitting at the table . . . his wife and pointed a finger to him. Then he had to . . . but then he said he was going to kill him, he threatened to kill him.

Rep. Fulcher: For what? Why was he threatening to kill him?

(Mr. Frederic): He doesn't like Haitians. We have been through this before. He was drunk when he came to the camp.

Rep. Fulcher: Who was?

(Mr. Hughes):David Tuten. Obviously he doesn't like Haitians too much . . .

Rep. Fulcher: So, the crew leader was drunk and showed up at this time . . . so he shot at him?

(Mr. Hughes): Do you want to hear the story?

Rep. Fulcher: Yeah, if you can do it quickly, briefly.

(Mr. Frederic): David Tuten went into the trailer and came out brandishing a 38 then he came to the window because he had gone back inside . . . everybody was told when David Tuten gets drunk he gets wild. So, he went back inside. David Tuten came to the window and pointed the gun in a prone position and shot . . . then people outside were trying to hold him and the wife was trying to hold him so he knocked her down and kicked her. (Mr. Hughes) I think she is 7 months pregnant.) While this commotion was going on, he started running. . . frame house. . . and he shot some more.

Rep. Fulcher:, . . Was this incident reported to the local authorities; the local police, the Sheriff's Department or whatever? What happened then?
(Mr. Frederic): Then I ran for 9 miles.
Rep. Fulcher: Who did?
(Mr. Hughes): Luckner did.
Rep. Fulcher: To the Sheriff's Department?
(Mr. Hughes): He ran into a detective . . .
Rep. Fulcher: Was he able to get his wife's belongings and leave the. . .
(Mr. Hughes): They left.
Rep. Fulcher: That incident happened when?
(Mr. Hughes): They left. That happened three weeks ago.
Rep. Fulcher: Where has he been since then?
(Mr. Hughes): He is staying in Robert Brown's camp now. . . We had a trial already and they had to continue it and after. . . they tried to bribe us and . . .
Rep. Fulcher: Who tried to bribe you?
(Mr. Hughes):Mr. Tuten. He told us that if we drop charges that he would pay all court costs. And the detective didn't show up and we are going back to trial tomorrow . . .
Rep. Fulcher: Any other committee members have any questions?
(Mr. Myers): Mr. Tuten, while he was there, shot and physically abused any other migrants?
(Mr. Hughes): No. . . his nickname was . . ."hard times". We tried to go out and interview . . . and he pulled a gun on us.
Rep. Fulcher: Dirty rat.
. . . . .
Mr. Wells: If this committee could look into . . . some states have a state crew leader registration law. . . all right, if there was a law in North Carolina passed by the North Carolina Legislature that every crew leader that came under . . . today that worked in the State of North

Carolina would have to register and give the people who have done the registering the authority to revoke his license if there was any bad marks whatsoever or any time that any of us went by the camp, or monitored the camp, or anyone who was doing the registering to revolk the license with the enforcement to back them up, and fine them and run them out of the state, we might get some relief in this situation. Unless something of that nature takes place, we are going to be spitting in the wind. . .

Rep. Fulcher: Could you give us your name?

Mr. Wells: Jim Wells, Rural Manpower,ESC. That is my boss sitting over there. (Pointing to Mr. Fleming)

. . . . .

Mr. Fleming: I think one of the things to back up what Jim said, I agree with him that that might be a possibility but if the funding is not provided, if it is not staffed properly . . . it is going to be like a lot of laws we already have that are not being enforced.

Mr. Wells: In almost all states that have the state crew leader registration act, they charge $25.00 per registration to help fund the people who are doing the registering. So, . . . that would help . . . up here, if we had the authority not. . . we could revolk it at any time, then I think we could eliminate some of these bad apples like Jack Simmons and a lot more. He is not the only one. . .

Rep. Fulcher: Do any of the committee members have any questions they want to ask . . . or direct to anybody else? I just want to take this opportunity to thank, I don't know how many of you can even understand this, but I want to thank you for taking the time to come tonight and to share these experiences with us and to be sure it has been enlightening and it has been helpful to us to have you come and talk directly to us. I am not sure exactly what our next steps are going to be. We will be having some more meetings, it might even. . . that we might want to come back here again for another meeting later. I don't know. But, I do appreciate. . . because some of them have driven a very long way to be here today. . . Anyway, again, I thank you so much for coming. Is there anybody else who wants to add

Rep. Fulcher (Cont.): anything before we bring to a close?
Mr. Grant: I want to know your names.
Rep. Fulcher: We will give them to you after we finish with this meeting. We sure will. Anybody else?
Mr. Boisen: I would like to ask one question. When Mr. Wells was testifying before, I was wondering if you could elaborate on the potential problems of having an unlicensed crew boss represented by another person who was taking that person's place if you were to go with that stronger crew leader registration. How could you protect . . . what protection could there be when a front person comes when the . . . unlicensed person really running the crew. . .
Mr. Wells: It depends on how much trouble you have had with him in the past. If there has been trouble in the past, and he is getting somebody to just use his name out front for him, then we should have the authority to kick him or her out. Some people use their wife's name or whatever. We have to have the authority to control that.
Rep. Fulcher: Thank you for your questions. I don't know if any of us have the answers to these problems. All I can say, and I think I can speak for all the committee members, even those who are not here tonight, that none of us like this situation very much and we are going to do whatever we can to try to correct it and do the thing that is right and that is what I would like to leave with you tonight.
Mr. Hughes: Have you got a hat to pass it around? We are going to try to get Tony back to Philadelphia.
Rep. Fulcher: The meeting is adjourned.

shall immediately take action to correct conditions which do not satisfy the sanitation rules. Sample inspection report forms may be obtained from the Department upon request.

"Part 5. Migrant Housing.

"G.S. 130A-238. Definitions.--The following definitions shall apply throughout this Part:

(1) "Crew leader" means the individual who negotiates or manages the contract for employment of the migrants or is recognized by the migrants as the leader.

(2) "Migrant" means an agricultural worker, including a person who works in food processing operations, and a worker's dependents who travel in response to the demand for seasonal agricultural labor.

(3) "Migrant housing" means one or more buildings or structures, tents, trailers or vehicles, together with the appurtenant land, that are established, operated or used as living quarters for one or more migrants.

"G.S. 130A-239. Commission to regulate sanitary conditions of migrant housing.--For the protection of the public health, the Commission shall adopt rules concerning the sanitation and safety of migrant housing. The rules shall include, but not be limited to:

(1) The issuance of a permit by the Department before migrant housing may be occupied or caused to be occupied;

(2) The establishment of an inspection system for migrant housing. No less than one inspection per year during occupancy of the migrant housing shall be required;

(3) The establishment of requirements for the sanitation and safety of migrant housing including, but not limited to,

the site; structures; water supply; sewage disposal facilities; toilet facilities; laundry facilities; handwashing and bathing facilities; lighting; solid waste disposal facilities; and kitchen and dining facilities. The rules shall also provide for insect and rodent control; provision of first-aid; reporting of communicable disease and any other items as are necessary in the interest of public health.

"G.S. 130A-240. Permit for migrant housing; posting.--No person shall cause migrant housing to be occupied unless a valid permit has been obtained from the Department and is posted at the site of the migrant housing.

"G.S. 130A-241. Inspection and reports.--The Department is authorized to enter and inspect any migrant housing which is, will be or has been occupied. Every person responsible for the management or control of migrant housing shall render all assistance necessary to enable the Department to make a full, thorough and complete inspection of the housing. The Department shall leave a copy of the inspection report with the responsible person.

"G.S. 130A-242. Application for permit; issuance; duration; assignability; denial or revocation.--A written application for a permit for migrant housing shall be made at the local health department having jurisdiction over the area in which the proposed housing is to be located. The permits shall be issued without charge. The permits shall be valid for a period of one year, unless revoked for failure to comply with this Part or the rules of the Commission. The permits shall not be transferable.

"G.S. 130A-243. Responsibility for sanitary standards and

maintenance.--The person causing migrant housing to be occupied, 2714
including the owner, operator and crew leader, shall be
responsible for complying with the provisions of this Part and 2715
the rules of the Commission.

"G.S. 130A-244. Duties of occupants of migrant housing.--An 2716
occupant of migrant housing shall use the sanitary facilities and 2717
maintain them in a sanitary manner.

"G.S. 130A-245 to 130A-246: Reserved for future codification 2718
purposes. 2719

"Part 6. Regulation of Food and Lodging Facilities. 2722

"G.S. 130A-247. Definitions.--The following definitions 2724
shall apply throughout this Part: 2725

(1) "Permanent house guest" means a person who receives room 2726
or board for periods of a week or longer. The term 2728
includes visitors of the permanent house guest.

(2) "Private club" means an establishment which maintains 2729
selective members, is operated by the membership and is 2730
not profit oriented.

(3) "Regular boarder" means a person who receives food for 2731
periods of a week or longer. 2732

(4) "Where food is prepared or served" means a place where 2733
food is cooked, put together, portioned, set out or 2734
handed out in unpackaged portions for human consumption.

(5) "Where drink is prepared or served" means a place where 2735
drink is put together, portioned, set out or handed out 2736
in unpackaged portions using containers which are reused
on the premises rather than single-service containers. 2737

"G.S. 130A-248. Regulation of restaurants and hotels.--(a) 2738
For the protection of the public health, the Commission shall 2739

SESSION 19_____

INTRODUCED BY:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR INSPECTION OF MIGRANT CAMPS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources, Migrant Housing Sanitation and Safety Program, the sum of $427,896 for the 1983-84 fiscal year and $448, 421 for the 1984-85 fiscal year for inspections of migrant labor camps.

Sec. 2. This act shall become effective July 1, 1983.

SESSION 19 83

INTRODUCED BY:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIME OF INVOLUNTARY SERVITUDE.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 14 of the North Carolina General Statutes is amended by adding a new section to read:

"§14-43.2. Involuntary Servitude.--(a) Any person who knowingly, and wilfully:

(1) Holds any person in involuntary servitude;

(2) Kidnaps or carries away any person with the intent that that person be held in involuntary servitude; or

(3) Entices, persuades, or induces any person to any other place with the intent that that person be held in involuntary servitude; or

(4) Employs any person with the knowledge that that employee is holding others in involuntary servitude

shall be guilty of the crime of involuntary servitude and shall be punished as a Class I felon.

(b) Any firm or corporation convicted of involuntary servitude shall be punished by a fine of not less than one hundred thousand dollars ($100,000) nor more than one million dollars ($1,000,000) and its charter and right to do business in the State of North Carolina shall be forfeited.

(c) The term 'involuntary servitude' as used in this Section means the unlawful holding of a person, for any length of time, for

the performance of labor, whether compensated or not, or for the liquidation of a debt, against the will of that person, not allowing that person to leave, by acts or threats of violence or other coercive means. The term 'involuntary servitude' does not encompass the holding of a person under the age of 18 years by the parent or legal guardian of that person."

Sec. 2. The first paragraph of G.S. 114-15 is amended by adding:

"The State Bureau of Investigation is authorized to investigate without request any acts of involuntary servitude committed within North Carolina."

Sec. 3. This Act is effective upon ratification.

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LIABILITY INSURANCE COVERAGE FOR ACCIDENTS INVOLVING FARM WORKERS.

The General Assembly of North Carolina enacts:

Section 1. Article 13A of Chapter 130 of the General Statutes is amended by adding a new section at the end thereof as follows:

"§130-166.16. An employer of farm laborers who (a) during any calendar quarter in the current calendar year or the preceding calendar year paid wages of $20,000.00 or more for farm labor or (b) on each of some 20 days during the current or preceding calendar year, each day being in a different calendar week, employed at least ten individuals in employment in farm labor for some portion of the day, shall obtain a policy of liability insurance by an insurance carrier duly authorized to transact business in this State.

Such policy of liability insurance shall insure the employer or his agents against loss from the liability imposed by law for damages on account of an accident arising out of the employment, as follows: $25,000.00 due to bodily injury to or death of one or more employees in any one accident."

Sec. 2. This act shall become effective January 1, 1984.

SESSION 19____

INTRODUCED BY:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA FARMWORKER COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. There is established within the Department of Administration the North Carolina Farmworker Commission.

Sec. 2. Membership. The North Carolina Farmworker Commission shall consist of eleven members as follows:

(1) Four shall be appointed by the Governor.

(2) Two shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(3) Two shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

(4) The Secretary of the Department of Human Resources or the Deputy Secretary of the Department if designated by the Secretary shall serve ex-officio.

(5) The Commissioner of Agriculture or the Deputy Commissioner of the Department of Agriculture if designated by the Commissioner shall serve ex-officio.

(6) The Commissioner of Labor or the Deputy Commissioner of the Department of Labor if designated by the Commissioner of Labor shall serve ex-officio.

Sec. 3. Vacancies. Vacancies in appointment by the Governor shall be filled by the Governor for the remainder of the unexpired term. Vacancies in appointment by the General Assembly shall be filled in accordance with G.S. 120-122.

Sec. 4. Organization of the Commission. The Governor shall appoint the Chairman of the Commission. The Commission at its first meeting shall select

a Vice-Chairman from its membership and shall select a Secretary. The Chairman shall preside at all meetings, and in his absence the Vice-Chairman shall act as Chairman.

Sec. 5. Quorum. A majority of the membership shall constitute a quorum.

Sec. 6. Meetings. The initial meeting of the Commission shall be called by the Governor. Subsequent meetings shall be held upon the call of the Chairman or upon the written request of four members. The Commission shall meet not less than four times per year.

Sec. 7. Compensation and Expenses of Members of the Commission. Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowance at the rate set forth in G.S. 120-3.1(b) and (c). Members of the Commission who are not employees of the State of North Carolina and who are not members of the General Assembly shall receive per diem compensation and travel expenses at the rate set forth in G.S. 138-5. Members and ex-officio members of the Commission who are employees of the State of North Carolina shall receive travel allowances at the rate set forth in G.S. 138-6.

Sec. 8. Staff. The Department of Administration shall provide necessary clerical equipment and administrative services to the Commission, provided the Commission may hire and discharge its own staff if it so desires.

Sec. 9. Powers and Duties. The Commission shall have the following powers and duties:

(1) Study and evaluate the existing system of delivery of services to farmworkers.

(2) Seek effective methods for the improvement of living, working and related problems affecting farmworkers.

(3) Recommend a mechanism for coordinating all farmworkers activities in the State.

(4) Identify and make recommendations to alleviate gaps and duplication of services or programs.

(5) Propose and review legislation relating to farmworkers.

Sec. 10. Report. The Commission shall make a report to the Governor and General Assembly by February 1 of each year covering activities of the Commission of the preceeding calendar year.

Sec. 11. This act shall become effective July 1, 1983.